

PLANNING APPLICATIONS AWAITING DECISIONS WHICH HAVE ALREADY BEEN INCLUDED ON A PREVIOUS SCHEDULE AS AT 5 APRIL 2004

APPL NO: **1) UTT/1482/03/FUL & 2) UTT/1670/03/LB**
PARISH: **WICKEN BONHUNT**
DEVELOPMENT: 1) Alteration and conversion of barns into two dwellings including extensions, replacement roofs, car parking and access 2) Alterations and link extensions and replacement roof to convert barn into two dwellings
APPLICANT: A J & S E Mullucks
LOCATION: Barns 1 and 2 Wicken Hall
D.C. CTTE: 23 February 2004 & 15 March 2004
REMARKS: Deferred for negotiations
RECOMMENDATION: Refusal
Case Officer: Ms Hilary Lock 01799 510486
Expiry Date: 23 October 2003

APPL NO: **1) UTT/1887/03/FUL & 2) UTT/1982/03/LB**
PARISH: **ELSENHAM**
DEVELOPMENT: 1) Change of use of barn to 11 short-term let/holiday accommodation 2) Internal alterations
APPLICANT: J S Pimblett
LOCATION: Tye Green Farm
D.C. CTTE: 2 February 2004 & 23 February (see revised report)
REMARKS: Previously deferred for negotiations following Site Visit
RECOMMENDATION: Approval
Case Officer: Mr N Ford 01799 510468
Expiry Date: 08 January 2004

APPL NO: **UTT/2179/03/FUL**
PARISH: **NEWPORT**
DEVELOPMENT: Demolition of existing bungalow and construction of one dwelling
APPLICANT: Mr P Hawkins
LOCATION: Pineacre Cambridge Road
D.C. CTTE: 15 March 2004 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: Approval
Case Officer: Consultant North 01799 510469/510478
Expiry Date: 04 March 2004

APPL NO: **UTT/1805/03/FUL**
PARISH: **HATFIELD BROAD OAK**
DEVELOPMENT: Change of use of agricultural building to joinery workshop (B1/B2) and storage of plant and materials (B8).

APPLICANT: Foxley Builders Ltd
LOCATION: The Farm Yard Sparrows Lane
D.C. CTTE: 15 March 2004 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: **Approval**
Case Officer: Michael Ovenden 01799 510476
Expiry Date: 15 December 2003

APPL NO: **UTT/2073/03/OP**
PARISH: **STEBBING**
DEVELOPMENT: Outline application for erection of one bungalow
APPLICANT: Mr Khurana
LOCATION: Virom Island The Downs
D.C. CTTE: 15 March 2004 (see report copy attached)
REMARKS: Deferred for Site Visit
RECOMMENDATION: **Approval**
Case Officer: Richard Aston 01799 510464
Expiry Date: 11 February 2004

1) UTT/1887/03/FUL & 2) UTT/1982/03/LB - ELSENHAM
(Revised Report)

- 1) Change of use of barn to 11 short-term let/holiday accommodation.
- 2) Internal alterations.

Tye Green Farm. GR/TL 541-245. J S Pimblett.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 08/01/2004

NOTATION: Area of Special Landscape Value C2, Countryside Protection Zone S4, setting of a listed building DC5.

DESCRIPTION OF SITE: Tye Green Farm is located to the south of Elsenham and to the north of Stansted Airport within the open countryside. The farm is located off a single track cul-de-sac from Tye Green Road, which terminates near Moat Cottage. Tye Green is a hamlet of predominantly detached dwellings and cottages. The application site is located behind Tye Green Farmhouse. Tye Green Farm envelops this building and various working farm sheds and redundant stables. Barn A, B and C and three other outbuildings relate to this application. Barns A and C are Grade II listed with other buildings listed by virtue of their curtilage value. In terms of residential neighbours, Barn C is located 51m north west of Tye Green Farmhouse which in itself is Grade II listed and Barn A is located 40m west of Moat Farm which is also Grade II listed. Tye Green cottage to the south west of Tye Green Farm House is also Grade II listed.

DESCRIPTION OF PROPOSAL: The application details the removal of a dilapidated barn, stables and part of an existing modern shed named New Barn. Barns A, B and C would be converted to form 11 holiday let accommodation in total. Barn C is Grade II listed. Its outbuildings are listed by virtue of the curtilage of the barn. Barn B would have two bedrooms and is attached to Barn C where a games room, dining area and kitchen would be provided at ground level. At first floor level three further bedrooms and associated en-suites are proposed. Barn A would incorporate six bedrooms, associated en-suites and a store.

APPLICANT'S CASE: Having considered the site and the requirements of the client it is considered that the most suitable use of these buildings would be for a tourism use. In regard to planning policy the proposal appears to meet with all relevant planning policy for Uttlesford District Council and therefore it is my opinion that the application should be met with a favourable response and consent should be granted. Full supporting statement available at the Council Offices, London Road, Saffron Walden.

RELEVANT HISTORY: 25m replacement telecommunication antennae mast and equipment cabins approved 2000. 20m telecommunication tower, 6 antennae and 3 microwave dishes and equipment cabin approved 1998. Part change of use/part retention of use of agricultural land to leisure purposes refused 1998, change of use of agricultural land to leisure and retention of reception building and 3 field shelters refused 1997, retrospective application for change of agricultural land to nursery for the storage of plants and shrubs approved 1996. Formation of amenity lake for fishing with landscape improvement approved 1989.

CONSULTATIONS: Water Authority: No objections.

Highway Authority: To be determined by UDC under deminimus agreement.

UDC Environmental Services: Use of barns B and C as a function room and restaurant may cause loss of amenity to residential properties, however, conditions can prevent this.

County Archaeology: The Essex Heritage Conservation Record shows that the proposed conversion lies to the south of a moated site (EHCR 4560). As the proposed development lies some distance from the area of the moat, it is unlikely to affect archaeological deposits. On our current knowledge therefore, no archaeological recommendations are being made on this application.

UDC Building Surveying: No comments.

UDC Specialist Design Advice: See planning considerations.

UDC Policy: See planning considerations.

Environment Agency: Standard Advisory letter.

English Heritage: The 'dilapidated' barn, which may have been a livestock shelter shed, seems from the photographs, to possess the greater archaeological significance of all the barns on site. Mrs Bosworth from your office will probably have concluded that the building is in too advanced a state of decay to be economically re-used and that consent for demolition should be granted. However if this is the case the barn should be recorded before it is demolished. We have no objection to the demolition of the other buildings proposed for demolition which are not of special architectural or historic interest.

PARISH COUNCIL COMMENTS: States that the restaurant should not be open to outsiders but only provide facilities for residents of the holiday let accommodation. Traffic should not go onto Tye Green and should use the existing access to Tye Green Farm. Concern relating to overlooking of adjacent properties.

REPRESENTATIONS: This application has been advertised and 6 representations have been received. Period expired 11 December 2003.

1. Concern relating to overlooking, restaurant fumes, boundary screening and traffic.
2. No objections in principle. Access to the site should be from the main access to Tye Green Farm as proposed and not from Tye Green House. Concern relating to surface water drainage.
3. Objections relating to disturbance to local residents. Concern relating to development in the Countryside Protection Zone. Concern relating to traffic and number of parking spaces. Restaurant should be ancillary to holiday accommodation should be for tourist purposes only.
4. We notice that on drawing no.199034DWG003 dated 17 December the mature trees landscaping the boundary of elevation no. 16 have been removed. We would like their absence noted.

Revised Plans 2 letters received:

1. Revised: Tye Green is small with a population of less than 50 people. 11 short term lets would substantially increase the population of the village. I would like to receive assurance that the local water supply could cope essential that appropriate waste water disposal be made a pre-requisite. I would like to ensure that the farm access road is NOT used for access to these new properties since it would cause blight to my property.

2. Revised: I cannot see any changes that would stop our concerns about the detrimental affect Barn C and the rest of the site would have on us.

To stop overlooking from Barn C the only way would be to exclude the three first floor proposed rooms and have the barn open from ground to rafters. I now understand the proposed site is within the Stansted Airport Countryside Protection Zone. There are two pages of interpretive notes put in by your Policy Advisor. These notes state "All applications should be treated on merit. On each occasion ask the question "does this lead to coalescence" or " will the proposal adversely affect the open characteristics of the zone"? if yes to either then refuse"

Further notes state “new buildings will generally lead to coalescence” clearly this application has new build as in the new cart shed.

“The change of use of a building will not lead to coalscence unless there is associated development such as outdoor storage or car parking beyond the confines of the building.”

Clearly there is proposed car parking beyond Barn C to the South and West of the site. This car parking will adversely affect the open characteristics of the zone.

Also an Inspector in dismissing an appeal for change of use of dwelling to Bed and Breakfast accommodation sited in the Stansted Airport Countryside Protection Zone concluded that the proposal would result in additional traffic travelling through surrounding countryside and parking at the site. This must mean that additional traffic in an application must now be considered when looking at Policy S4. As in the site we are objecting to all the traffic has to drive through the single-track road.

I would conclude from the above information that both Policy S4 and Policy DC14 would be breached if this application were to be approved. An appeal decision against the decision of Uttlesford District Council to refuse planning permission. UTT/0014/98/FUL was in the Stansted Airport Countryside Protection Zone and is very similar. The Inspector concluded “that the traffic and the noise and disturbance associated with parking would be an alien feature in the rural area which would harm the character of the Stansted Airport Countryside Protection Zone and would be a severe breach of Policy S4 of the Adopted District Plan”.

His decision was to dismiss the appeal.

We therefore respectfully ask that permission for this development is not granted.

3. Revised: Objection relating to the revised access from a narrow lane with fast traffic. Concern relating to the affect on the general public from service and delivery vehicles, taxis, visual and noise blight.

PLANNING CONSIDERATIONS: The main issues are:

- 1) whether the development accords with the positive approach to the provision of tourist accommodation in the countryside in accordance with ADP Policy REC3 and DLP Policy LC6 and whether the proposal would adversely affect the open characteristics of the Countryside Protection Zone (ADP Policy S4 and DLP Policy S8).**
- 2) whether the holiday accommodation proposed is a suitable use for these listed rural buildings in accordance with central Government guidance notes PPG7, and PPG15, Policy RE2 and HC4 of the Essex and Southend-on-Sea Replacement Structure Plan 2001 as well as ADP Policy C5, DC5, DC6 and DLP Policy ENV2.**
- 3) whether the development proposed is likely to be detrimental to residential amenity through overlooking, noise and traffic contrary to ADP Policy DC14 and DLP Policy GEN4.**

1) This application proposes 11 units of holiday let accommodation. It is considered that this use is appropriate in the countryside in accordance with ADP Policy REC3 as the conversion of rural buildings to provide tourist accommodation is acceptable in principle. However, the development should be such that it does not impinge upon the open rural characteristics of the countryside or the Countryside Protection Zone and its character. Development should also be of a nature that does not lead to lead to coalescence.

The development utilises existing rural buildings entirely within the curtilage of an existing farm and off the road to Tye Green set back behind Tye Green Farm House.

Following negotiation the site area has also been reduced, with the proposed office and summer room being bought closer to Barn A, B and C. The visual impact of the scheme upon the open countryside and the CPZ is therefore considered to be limited as existing buildings predominantly screen the site. Additional boundary screening can be secured by condition to require an appropriate form of landscaping. It is therefore considered that the proposal would not lead to coalescence or detrimentally affect the Countryside Protection Zone.

2) The application proposes the demolition of part of New Barn, a utilitarian building located to the north west of Barn C as well as an existing stable block located to the south east of Barn B in order to facilitate the scheme. These structures were constructed post-1948 and are not deemed to be curtilage listed and worthy of retention. The application includes the demolition of a cart lodge to the south west of Barn B. This structure is in a very poor state of repair and has lost virtually all of its original fabric and external materials that distinguished the character and appearance. It is, however, a pre-1948 structure and is therefore listed by virtue of its curtilage value. The comments of English Heritage be reported.

The proposal has been negotiated. It is considered that as the buildings are now redundant it is essential to find a new economically viable use for them so that their survival can be assured. Specialist design advice shows that the scheme is low key and the agricultural character of the buildings has been maintained as much as possible. Subject to appropriate conditions the scheme is acceptable.

The conversion would respect the fabric and character of these historic buildings in accordance with PPG7 (The Countryside, Environmental Quality and Economic and Social Development). The buildings are suitable for conversion as the scheme proposes low-key alterations in order to facilitate the proposal. The alterations would retain the key elements that are necessary to preserve the special interest of the building in accordance with PPG15 (Planning and the Historic Environment). Visual features of interest would be retained as well as internal spaces, such as the large volume being a feature of Barn C (The restaurant area).

Policy RE2 of the Essex and Southend-on-Sea Replacement Structure Plan supports the promotion of rural enterprise where, as in this instance, the buildings are of sound construction capable of conversion without substantial reconstruction. It is also considered that their conversion would not prejudice the vitality of the village or adversely affect the amenity and character of the countryside. Additionally, this scheme is considered to be an appropriate way of preserving these listed buildings special character and architectural qualities in accordance with Policy HC4.

3) Any impact upon residential amenity is only possible to the north west elevations of Barns A and C toward Moat Farm. However, the flank elevation of Barn C proposes frosted glass at first floor level, which would prevent overlooking of the curtilage of the adjacent property. Additionally, a scheme of landscaping would prevent any impact upon amenity from the ground floor window on this elevation. Additionally, given the distance of 51m to Tye Green Farm House from the front elevation of Barn C, it is considered that there would be no overlooking from this elevation. Windows originally positioned in the north east elevation of Barn A have been revised to face south west into the courtyard which would prevent any overlooking of Moat Farm. It is therefore considered that there would be no impact upon residential amenity resulting from these proposals.

The proposed development is located in close proximity to Stansted Airport and lies within the 57-66B(A)Leq noise contour. In these circumstances it is necessary that new habitable noise sensitive accommodation is adequately soundproofed. This element can be secured by an appropriate condition.

In regard to any potential detrimental impact resulting from the proposed restaurant, this can be controlled by conditions. A scheme of odour control is proposed to be covered by condition were the application to be approved together with a restriction on the dining room/restaurant to be for the sole use of the holiday accommodation occupants.

In relation to traffic and parking, the number of parking spaces has been reduced to 17 following negotiation, which provides one space per unit with provision for adequate operational parking. Parking provision is therefore considered to be sufficient and the likely traffic generation not considered of a level likely to be detrimental to amenity given 11 units proposed. Parking can be restricted by condition to ensure that it endures for the sole use of the holiday let occupants and not car parking related to Stansted Airport.

The access to the site has been revised in order that access is not taken from the track that passes Tye Green Farmhouse. Access is now proposed from the south of the site passing from the 'dilapidated' barn near the summer room to link up with the track that serves the working farm onto Tye Green Road. This route should still avoid conflict with farm vehicles that serve Tye Green Farm.

COMMENTS ON REPRESENTATIONS: In relation to overlooking, it is not considered that there would be any potential detrimental overlooking due to the distance to the nearest residential property and screening that can be provided by condition. Concerns relating to noise and fumes from the restaurant use can be secured by condition. Additionally it is considered that the development proposes adequate access and parking while additional traffic is not considered to be of a level likely to be detrimental to amenity. One of the representations draws a comparison between this proposal and one at Chapel End Broxton dismissed on appeal in 1998. This related to a change of use of 7 rooms of a 9 bedroom house to Bed and Breakfast use. The site was located to the rear of a line of bungalows and the inspector concluded that the activities would be of a scale that would be likely to significantly detract from the amenity of the closely situated neighbouring dwellings, in comparison to the activities reasonably expected at a single dwellinghouse. It is considered that the two sites are not directly comparable – this application site is more remote from dwellings and previous agricultural or possible alternative business use would generate some amount of activity to be balanced against that of the proposed use.

CONCLUSIONS: The holiday accommodation proposed is considered to be an acceptable use in the countryside and additionally the listed barns can be converted adequately without substantial reconstruction. The proposed development is therefore considered acceptable subject to conditions.

RECOMMENDATIONS:

1) UTT/1887/03/FUL - APPROVAL WITH CONDITIONS

1. C.2.1. Time Limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.8.8. Sound insulation (new building).
6. C.8.12. Boundary noise levels.
7. C.8.17. Restriction of hours of operation.

8. C.11.7. Standard parking requirements.
9. C.13.6. Short stay holiday lets.
10. C.21.1. Excluding extensions to telecommunications masts without further permission
11. C.25.1. Ban on airport related parking.
12. The accommodation hereby permitted shall not be occupied until a scheme of odour control from the kitchen has been submitted and approved by the local planning authority prior to commencement of development. The equipment shall thereafter be retained in accordance with the approved scheme.
REASON: The control of odour is necessary in order to prevent any detrimental impact on residential amenity.
13. The restaurant/function room/games room located within Barn C shall enure for the sole use of occupants of the holiday let accommodation hereby approved and for no other persons.
REASON: In order to protect residential amenity.
14. The tree existing structures proposed for demolition on the approved drawings (stables, cart shed and part of new barn) shall be demolished and all materials shall be completely removed from the site within one month of the first occupation of the holiday let accommodation hereby permitted.
REASON: To ensure that the development is carried out as approved and in the interests of rural amenity.
15. No development shall take place on the site until the applicant, their agent or successors in title has secured a programme of archaeological recording for the 'dilapidated barn' in accordance with a written scheme of investigation to be submitted to the local planning authority for approval prior to its implementation. Should this scheme be acceptable, notice shall also be given to the local planning authority at least one week in advance before the scheme of recording is implemented giving details of who will carry out the recording and when.
REASON: To allow for excavation and recording of this site of archaeological importance in advance of and during development, as advised in Planning Policy Guidance Note No. 16.

2) UTT/1982/03/LB APPROVAL WITH CONDITIONS

1. C.2.2. Time Limit for commencement of development.
2. C.3.2. In accordance with revised plans.
3. C.5.9. All external weather boarding shall be feather edged and painted black.
4. C.5.16. No historic timbers to be cut.
5. All historical brickwork shall be retained and the walls repaired as necessary with matching bricks, bonding and pointing.
6. All sound existing roof cladding shall be reused and any shortfall made up with exactly matching materials.
7. All new external joinery shall be black painted timber.
8. The rooflights hereby approved shall be of a conservation type to be submitted and approved by the local planning authority prior to occupation of the buildings.
9. The roof of the new cart lodge hereby approved shall consist of hand made clay plain tiles to be submitted and approved by the local planning authority prior to occupation of the buildings.
REASON 5-9: In order to protect the traditional character, fabric and appearance of these listed buildings.

Background papers: see application file.

UTT/2179/03/FUL – NEWPORT
(Referred at Officer's Discretion)

Demolition of existing bungalow and construction of one dwelling
Pineacre Cambridge Road. GR/TL 521-347. Mr P Hawkins.
Case Officer: Consultant North telephone 01799 510469/510478
Expiry Date: 04/03/2004

NOTATION: Frontage Within Village Development Limits & Settlement Boundaries/Within Cam Valley Area of Special Landscape Value (ADP only)/Adjacent to Conservation Area and Shortgrove Park/Backland Within Flood Plain/Class B road.

DESCRIPTION OF SITE: The site lies on the eastern side of Cambridge Road to the north of the village centre within a ribbon of development. There is a large variety in the type and size of dwellings. To the north is a bungalow and to the south is two storey house. The site comprises a detached bungalow on an L-shaped plot of 0.425 ha, with the rear garden extending south behind three neighbouring properties towards the River Cam.

DESCRIPTION OF PROPOSAL: It is proposed to replace the bungalow with a substantial detached house comprising four storeys (including basement) with six bedrooms. It would be L-shaped with a maximum width of about 13.5m, depth of some 21.5m and height approximately 9.1m. The materials would be brick, render, clay tiles and slates, with lead on the dormer windows in the roofspace. Four trees in the southern part of the front garden would be removed and new flint walls would be erected to the side boundaries to match the front.

A cobbled courtyard would lead from the existing entrance to the triple garage to the rear. There would be a 5m gap between the dwelling and the northern side boundary and 4m to the south.

(The revised plan entitled Proposed West Elevation [drg. no. 2(14)20 C] differs from its equivalent on the previous application [drg. no. 2(14) 25], because it shows the extent of the site boundary to be 26m wide, compared with only 20.5m.

The site actually widens eastwards, so that on the road frontage it is 21m, on the proposed building line with Redriff to the south it is 22m and level with Die Opstall to the north it is 28m. These measurements are academic, however, because the proposed new dwelling would be in the same location and of the same size as previously proposed.)

APPLICANT'S CASE: See Design Statement dated December 2003, attached at end of this report.

RELEVANT HISTORY: Six dwellings refused in 1989 and appeal dismissed, five refused in 2000, three refused in 2001, two refused in 2002, two refused in 2003 and appeal dismissed, all for reasons of overdevelopment, harm to the rural character of the area, adverse effects on neighbours' amenities and flooding.

CONSULTATIONS: Environment Agency: Objection until Flood Risk Assessment has been prepared, submitted and considered.

ECC Archaeology: Recommend condition requiring recording of excavation

PARISH COUNCIL COMMENTS: Original Plans: Concerned that the number of windows to the sides of the development should not overlook neighbouring properties.
Revised Plans: To be reported (due 27 February).

REPRESENTATIONS: Original Plans: Three. Notification period expired 2 February.

1. No objection subject to implementation of landscaping along side boundary. (*This issue would be covered by conditions 3, 4 & 6*).
2. Object : design out of character with rest of houses in this part of village, ie 3-storey mock-Georgian. Cottage-style rendered house would be more suitable. Flood plain. Block light from Die-Opstall.
3. Object: increased overshadowing, overlooking & overbearing effects caused by doubling height of existing bungalow, out of character with existing properties.

Revised Plans: Three. Renotification period expired 27 February.

1. Object: would create problems which the original proposal avoided. Unreasonably and unnecessarily overshadow "Die Opstall". Would overlook "Redriff" and "Die Opstall". Loss of amenity caused by setting back. Out of keeping with character of Newport Road.
2. See earlier concerns last year. Revised design does not address issues of adverse effects on "Die Opstall". Overshadowing would be increased.
3. No reason to change previous remarks.
4. Still a monster proposal considering the size of the plot. Moving the house back would mean overlooking all properties in the road. Amounts to back building.

PLANNING CONSIDERATIONS: The main issues are whether this revised proposal would overcome the three reasons for the Inspector dismissing the recent appeal regarding two houses by:

- 1) **being more in keeping with the rural character of the village street scene in terms of a) scale, b) design and c) use of materials (ADP Policy DC1 & DLP Policy GEN2),**
- 2) **providing satisfactory access and on-site car parking facilities without creating overdevelopment (ADP Policies T1 and T2 and DLP Policies GEN1 and GEN9) and**
- 3) **respecting neighbours' amenities by avoiding significant overlooking, overshadowing or overbearing effects (ADP policy DC14 and DLP Policy GEN4).**

In addition, it will be necessary to consider whether the proposal would:

- 4) **avoid the danger of flooding (ERSP Policy NR12, ADP Policy W3 & DLP Policy GEN3).**

1) The Inspector stated that two dwellings "*would result in a considerable amount of built development on the front part of the site, which, although within the Development Limits, would not be in keeping with the more spacious setting of other properties in the area and would appear to me as cramped. Although house one would be considerably larger than the bungalow next door ("Die-Opstall" to the north), its façade would resemble the scale of "Redriff" to the other side. From the front, the proposal appear as a house with a large outbuilding to the rear. Although the land slopes away from the road, I consider that the bulk and scale of house two and its close proximity to house one would result in it being prominent on the street scene. The proposal would result in two substantial buildings across the width of the plot which, in my opinion, would not be in keeping with the character of the*

area where there is more space between buildings allowing views through to the open parkland to the rear.”

a) The third reason for refusal of the previous application referred to unacceptable bulk and scale of both dwellings being out of proportion with the low-key character of the village street scene. This revised scheme has changed fundamentally from the previous proposal by omitting the second house to the rear. This specifically addresses the Inspector's concern about the bulk, scale and location being prominent in the High Street. The top of the proposed triple garage would be 2.5m above road level, compared with 4.8m for the house. It is considered that this reduction of 2.3m is significant in assessing the visual impact from the High Street. The garage would have a 30 degree pitched roof with slates and if made shallower it would appear out of keeping with the character of other properties close to the Conservation Area. It would be set back 37m from the road and 1.3m lower and there is no scope for further setting back because of the flood plain to the rear. It would be inappropriate to require the garage to be relocated behind the house.

The new house would be located in the position previously proposed, i.e. with gaps of 9.2m to Die-Opstall to the north and 8.2m to Redriff to the south. These compare with the existing gaps of 5.2m and 6.2m and would allow the character of the area and the views through to the parkland to the rear to which the Inspector referred to be maintained. The height of the new house has been kept the same as previously proposed and would be similar to Redriff and The Coach & Horses PH. In terms of scale within the village street scene, therefore, it is considered that the revised proposal has overcome the Inspector's concern. However, due to its imposing façade and height compared with Die-Opstall and the fact that it is proposed to be brought forward 7m compared with the existing bungalow, revised plans were sought to set the house back on to the existing footprint of Pineacre. However, this has generated an objection from 'Redriff' regarding the potential for overlooking.

It is therefore recommended that the application be determined on the basis of the original plans. It should be noted that the appeal Inspector made no adverse comments on the design or siting of this property. However, it is a finely balanced judgement as to whether the design of the proposed dwelling in this forward position is acceptable, or would be unduly dominant in the street scene; and would project unacceptably forward of the bungalow to the north.

b) Regarding design, the only comment the Inspector made refers to the similarity of the scale of the façade with Redriff to the south, although considerably larger than the bungalow Die-Opstall to the north. The character of the street scene at this point is mixed. Although the third reason for refusal mentions the low-key character of the street scene at this point, it is considered that the “grand” design of the dwelling would be in keeping with Redriff and would be acceptable in this part of the village.

c) Regarding the proposed use of materials, these are of a high quality and would be acceptable. A condition should be imposed requiring the new flint walls to be erected as part of the redevelopment, in order to ensure the scheme enhances the attractive character of the area.

2) The overdevelopment referred to by the Inspector regarding access, parking, garaging and manoeuvring space has been overcome by the omission of the second house.

3) The Inspector was only concerned with the adverse effects on neighbours of the *second* dwelling and its omission has also overcome this issue. Members will wish to consider the impact of the siting relative to the bungalow to the north, as there would be some overshadowing of that property. Revised plans which sought to improve the

relationship between the two properties have generated an objection, and have been omitted.

4) The finished floor level of the house would be about 0.5m less than the 57.665m quoted on the original plan, due to the proposed set back, but would still be well above the Environment Agency's recommended minimum level of 55.35m as quoted by the Inspector. The garage would also be above at 55.97m and located on the higher level at 55.97m. The Environment Agency's objection does not accord with their comments on the previous file. There is a distinct fall in land levels just behind the proposed garage, down to the flood plain. Given the siting of the existing dwelling, it is considered that there would be no change in the level of flood risk. The garage would be Permitted Development if the new dwelling was not built and is also on the higher land. It is considered, therefore, that the EA objection cannot be sustained. Conditions regarding floor levels and withdrawing Permitted Development rights to erect outbuildings should be imposed.

COMMENTS ON REPRESENTATIONS: The comments are noted, but given the appeal Inspector's comments it is not considered that it would be justifiable to resist the application on the basis of design, its impact on the street scene and neighbouring properties.

CONCLUSIONS: The proposal would overcome the previous reasons for refusal, but would be a large dwelling in the street scene, and would have a significantly greater impact than the existing dwelling. On balance, and in the light of the Inspector's comments, the proposal is however considered acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with original plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. Submission of samples of materials: The materials to be used in the construction of the replacement dwelling hereby permitted shall be as stated on the submitted form and plans, details of which shall be submitted to and approved in writing by the local planning authority before any work commences on site.
REASON: In order to ensure that the new building is in keeping with the pleasant character of the area and in particular with the adjacent dwelling to the south "Redriff".
6. All the new flint walls shown to be erected on drawing no. 2(11)01 C along the side boundaries shall be completed before the new dwelling is first occupied.
REASON: In order to ensure that the new building is in keeping with the pleasant character of the area and in particular with the adjacent dwelling to the south "Redriff".
7. C.6.4. Excluding extensions without permission.
8. C.7.1. Slab levels.
9. C.6.2. Excluding freestanding buildings without permission.
10. The finished floor level of the replacement dwelling and garage shall be no lower than 55.35m.
REASON: In order to reduce the danger of flooding in the River Cam valley.
11. C.16.2. Full archaeological excavation & evaluation.
12. C.19.1. Avoidance of overlooking – no further windows in side elevations.

Background papers: see application file.

UTT/1805/03/FUL - HATFIELD BROAD OAK

Change of use of agricultural building to joinery workshop (B1/B2) and storage of plant and materials (B8).

The Farm Yard Sparrows Lane. GR/TL 550-153. Foxley Builders Ltd.

Case Officer: *Michael Ovenden 01799 510476*

Expiry Date: 15/12/2003

NOTATION: Outside development limit/settlement boundary.

DESCRIPTION OF SITE: The site is located towards the northern end of a scatter of development 0.6 mile south of Hatfield Broad Oak village and 1.2 miles north east of White Roding. In this area there are a mix of a few dwellings of a variety of ages, recently residentially converted barns and a recently erected grain store which lies to the north. Between the new grain store and the application building, which is a conventional modern steel framed building with panel cladding, is a concrete hardstanding that is now used for the car park to the application building. To the rear is an established earth bund with planting and to the front of the site is an established hedgerow of trees.

DESCRIPTION OF PROPOSAL: This is a retrospective application for the change of use of a former grain store (700 m²) to a building company's warehouse and main office. Investigations indicate that the works were carried out at around the time that the application was submitted and relate to the recladding of the building, provision of a glazed screen in lieu of the original doors and some internal fitting out including a small area of mezzanine floor. There is car parking on the existing hardstanding immediately adjacent to the building.

APPLICANT'S CASE: The building to which the application relates was previously a grain storage building, but has recently been replaced by a larger more efficient store on adjacent land. The grain drying equipment has been removed from the building. Although it was originally thought that the building might be used for agricultural storage but it is not now required for any other agricultural purpose.

It is therefore proposed that the building should be used for a joinery workshop and general office/storage building by a local builder living next door. The size of the building is such that it will be possible to operate entirely within the building. There will therefore be no need for any external activity, so that the use will hardly be noticeable from the adjoining land or certainly from further afield.

This seems to me to be a suitable alternative use for the building that will generate some local employment and support a local business. This is in my view in accordance with policies in both the adopted Local Plan and the Revised Deposit Draft Local Plan.

In the former it is stated that it is important to sustain the process of rural diversification on and off the farms and to accommodate continuing change in the rural economy at large. Policy C4 activity promotes enterprise and development which diversifies the rural economy and supports appropriate changes of use of land and buildings. Policy C5 states that appropriate re-use of rural buildings for non-residential purposes will normally be permitted.

The revised draft plan follows the same theme. Policy E4 relates to the re-use and adaptation of rural buildings for business uses and contains a number of criteria. I have considered these in the context of the present application.

In the first instance the application building is of permanent and substantial construction, and is capable of accommodating the re-use proposed without alteration or extension. The fact that the proposed use will take place entirely within the building will ensure that the character and amenity of the countryside will be maintained, without adverse effects from noise or other sources. There will be relatively little traffic associated with the use and the surrounding road network is more than able to accommodate the traffic involved.

For all of these reasons I consider that the proposed use of the building is supported by planning policy and will have no adverse effects on the locality. In these circumstances I considered that it is reasonable to anticipate that planning permission will be granted.

RELEVANT HISTORY: Permission for grain store 1981. Permission for the erection of a grain store on the land adjacent in 2003.

CONSULTATIONS: Environmental Services: To be reported

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (15 March 2004): Environmental Services: The use could cause noise nuisance to nearby residential premises. Vehicle movements to and from the site could increase over a period of time and could cause nuisance. If approved conditions will need to be carefully worded to prevent any nuisance to residential premises.

PARISH COUNCIL COMMENTS: To be reported (due 20 November 2003).

ON SUPPLEMENTARY LIST OF REPRESENTATIONS (15 March 2004): We ask that this application be refused. It was our understanding that when permission was granted for the adjoining residential property this building was to be demolished. It is inappropriate to mix residential properties and light industry on the same site. Particularly joinery, which has a high fire risk and the machinery is noisy. This will generate an unacceptable amount of commercial traffic on the site and through the surrounding lanes.

REPRESENTATIONS: None. Notification period expired 11 November 2003. Site and newspaper notice expired 20 November 2003.

PLANNING CONSIDERATIONS: **The main issue is whether the use of this building is appropriate in accordance with Development Plan policy (ERSP RE2, ADP C5) and Government Policy in PPG7 *Countryside*.**

All three policy documents are generally supportive of the reuse of rural buildings to business use, in preference to residential conversion, provided that the buildings are in sound condition. This building is about 23 years old, of modern construction and does not appear to have needed substantial reconstruction in preparation of its reuse. Officers are concerned that the recent erection of a large grain store to the northeast may have created the circumstances where this building is no longer required for agriculture. However the new grain store is taller to allow for modern machinery and has a larger floorspace and this building was proposed to have its grain drying equipment removed, which it has been, and then be used for agricultural equipment storage. According to the agent's letter it is this latter use that has become unnecessary. The agent has been asked to explain how circumstances have changed within the last year. Proof of redundancy has not been provided but national and local policies indicate that it is not normally needed. On that basis the main issue in all three documents is whether a particular reuse is appropriate for normal planning reasons – amenity, traffic generation etc.

The entrance to the building is not close to residential properties, there have been no complaints about the use and given that the activities and storage all happen within the

building rather than outside, other than vehicle parking, it is considered that this use could continue without adversely affecting residential amenity or the character of the countryside.

COMMENTS ON REPRESENTATIONS: None received.

CONCLUSIONS: In the context of the above and subject to conditions it is considered that on balance this development is acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.6.8. No permitted development rights for extension.
2. C.8.3. No outside storage.
3. This building shall not be occupied other than as a mixed use as joinery workshop, store for plant and materials with ancillary office.
REASON: The use of this large building by another user falling with classes B1, B2 or B8 may give rise to activities that would adversely affect the amenities of this rural area.
4. Restriction on hours of use: 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays only.
REASON: In the interests of amenity and the rural character of the area.

Background papers: see application file.

UTT/2073/03/OP – STEBBING

Outline application for erection of one bungalow.
Virom Island The Downs. GR/TL 659-245. Mr Khurana.
Case Officer: Richard Aston 01799 510464
Expiry Date: 11/02/2004

NOTATION: ADP & DLP: Outside Development Limits/Settlement Boundaries/ Within area of Special Landscape Value.

DESCRIPTION OF SITE: Virom Island is located at the northern end of Stebbing High Street and is an island of land about 1000 sq.m in area located between the roads of The Downs and the High Street. The site is visually prominent and lies outside development limit (and settlement boundary) in an Area of Special Landscape Value. There is a modern chalet bungalow located in the northern half of the site with the rest of the site currently used as garden for the occupiers of that dwelling. A Special Verge (Uttlesford U29) runs along the eastern side of Virom Island.

DESCRIPTION OF PROPOSAL: The proposal seeks outline planning permission with all matters reserved for the erection of an additional single bungalow on part of the garden land to the rear of Virom Island. Plans show an indicative layout of where a dwelling and a garage could be sited.

RELEVANT HISTORY: Construction of one detached bungalow (Virom Island) and garage approved 1976. Erection of 5 dormer windows approved 2001.

CONSULTATIONS: Natural Sciences Curatorial Officer: The population of Lesser Calamint plants which makes the verge special is confined to a 30m stretch of the special verge to the north of the left verge marker post. Accordingly, a vehicular access could be constructed to the north of the area of Lesser Calamint plants where the bramble scrub exists which would not materially damage the verge, but possibly encourage the Lesser Calamint Plants to spread. See attached letter dated 22 January 2004.

ECC Archaeology: It is possible that any proposed groundworks could affect mediaeval deposits. Recommends a watching brief in line with PPG 16.

ECC Highways: No objections to the proposal.

PARISH COUNCIL COMMENTS: Opposes the application on the grounds that the site lies outside the village envelope. Any further development on this site would have an effect on the Area of Special Landscape value and would affect the amenity and outlook of residents of The Downs. Development would destroy the Special Verge and the county Wildlife Site. The Parish Council would wish to make written and verbal representations to the DC committee. If approved, the parish would demand major safeguards to protect the environment together with enforcement to fulfil any conditions imposed.

REPRESENTATIONS: Four received. Notification period expired.

1-4. Summary: The development is outside the village envelope. Detrimental impact on views from Hillside Cottages. Detrimental impact on historic village environment. Any development would be harmful to the quality and character of the surrounding countryside and the special verge would be destroyed.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the proposal is appropriate development outside development limits, is acceptable with regard to its impact on visual and local amenity (ERSP policy C5, ADP policies S2, C3 DC8 & DLP policy S7) and**
- 2) whether the proposal would damage Uttlesford Protected Verge U29 (DLP policy ENV7).**

1) ERSR policy C5 'Rural Areas not in the Green Belt' states that the countryside will be protected for its own sake and that '*Development should be well related to existing patterns of development and of a scale, siting and design sympathetic to the rural landscape character*'. Policy S2 of the Uttlesford Adopted District Plan, builds on this theme by stating that '*Permission will not normally be given in the countryside beyond Development Limits unless the proposal relates to Agriculture, Forestry, appropriate outdoor recreational uses or appropriate changes of use of suitable existing buildings compatible with a rural area*'. In the emerging plan, Policy S7 seeks to encourage development that needs to take place or is appropriate to a rural area, with strict control on new building.

The aim of these policies is to protect the countryside for its own sake by restricting development beyond identified development limits. This site lies outside the development limit / settlement boundary and therefore under a strict interpretation of policy the application should be refused. However, it is not within open countryside being contained by highways, within close proximity to the surrounding pattern of residential development. Therefore, the proposal would not lead to development encroaching into open countryside or adversely affect rural interests and it is considered that the presumption against this type of development, as outlined in the above policies, may not be appropriate in this case. However this judgement is finely balanced. With regard to the visual impact of the development, policy DC8 of the adopted plan seeks to protect traditional open spaces and other visually important spaces. The size, height and siting of any dwelling could be controlled at the reserved matters stage to limit the visual impact when viewed from the highway and The Downs. Whilst it is recognised that the proposal would result in the partial loss of this prominent undeveloped space and that the design and scale of any future proposal would have to be carefully controlled, the residential development of this site would not result in a detrimental impact on the Area of Special Landscape Value or the visual interests of its surroundings. Turning to the impact on local amenity, given that the details can be controlled at the reserved matters stage, it is not considered that the proposal would be detrimental.

2) On the eastern side of Virom Island lies a protected verge (Uttlesford U29), which is also designated as a county Wildlife site, the verge is also one of five sites that the Council has undertaken to protect in the Uttlesford Future Community Plan (2003). Construction of a vehicular access could potentially result in the destruction of part of this verge. Policy ENV7 of the emerging plan seeks to protect special verges and states that Development that may adversely affect landscape elements will only be permitted if the need for the development outweighs the need to retain the elements for their importance to wild fauna or flora and that development will only be permitted if mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality. Whilst it is recognised that any future access could damage the verge, a portion of the verge is overgrown with brambles along the eastern boundary of Virom Island. The population of Lesser Calamint plants which makes the verge special is confined to a 30m stretch of the special verge to the north of the left verge marker post. Accordingly, a vehicular access could be constructed to the north of the area of Lesser Calamint plants. In consultation with the Natural Science Curatorial Officer at Saffron Walden Museum, it is likely that if the bramble scrub is removed from the verge it could result in the extension of the Lesser

Calamint plants further along the verge helping to increase the vitality of the verge. Accordingly, it is considered that if access were taken at the point adjacent to the existing access of Virom Island, which would require turning the likely position of any future garage, by 45 degrees, no material impact on the verge would occur. This can be achieved by imposing a condition that access can only be taken through two given points.

COMMENTS ON REPRESENTATIONS: As above.

CONCLUSIONS: The merits of the proposal to develop the site for an additional single dwelling are finely balanced because it is contrary to Policy S2 of the Adopted District Plans as the site lies outside development limits. However the site is well related to the surrounding pattern of development and the development of the site for a dwelling would not have a material impact on the rural interests of the countryside. With regards to visual impact and the loss of this open space, the siting, design, external appearance and landscaping can be controlled at the reserved matters stage to ensure any impact is minimised. The point of access can be controlled by condition in order to prevent any damage to Uttlesford Special Verge U29 and the subsequent removal of the bramble scrub could help to rejuvenate the population of Lesser Calamint plants that exist. It is therefore recommended the proposal be approved contrary to Policy S2 of the Adopted District Plan.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matters: 1.
2. C.1.2. Submission of reserved matters: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. The access to the development hereby approved shall only be taken from The Downs between Points A and B marked on the attached plan and shall remain so in perpetuity
REASON: The northern and eastern boundary of the application area is designated as Uttlesford Special Roadside Verge U29. Access from any other point(s) would result in destruction of part of this verge.
5. Restriction on height of dwelling (single-storey only).
6. C.16.1 Archaeological Watching Brief & reason.

Background papers: see application file.

UTT/1620/03/FUL - SAFFRON WALDEN

Erection of two flats to replace existing garages
Land at Ozier Court. GR/TL 543-369. Mr G Bray.
Case Officer: Geoff Lyon 01799 510458
Expiry Date: 11/11/2003

NOTATION: ADP and DLP: Within Development Limits of Saffron Walden.

DESCRIPTION OF SITE: The site is located on the southern end of Saffron Walden on the Fairviews estate and measures approximately 270 sq metres in area. Accessed off Ozier Court, the site is currently a run-down complex of a garages, which once served the adjoining residential flats. There is a significant amount of on-street parking on Ozier Court, particularly following the sale of the garages to a third party, which are not tied by planning condition to each flat. Katherine Semar Infant and Junior School is visible from the site and amenity space for the adjacent flats is located to the rear of the site in question.

DESCRIPTION OF PROPOSAL: The applicant is seeking full approval for the erection of two dwellings to replace the existing garages. The dwellings are three-storey in height, 7.8 metres to eaves and 10.2 metres to ridge. The dwellings will have a rendered ground floor with brick at first and second floor level. The ground floor will contain a garage, entrance/hallway, utility and w.c. On the first floor are a kitchen, bathroom and lounge/diner with two bedrooms (one with w.c.) on the second floor.

The garage space is 3.6 metres wide with a 2.5 metre wide opening and is 5.1 metres long. Parking space in front of the garage is 6 metres long and meets the requirements. Amenity space for each dwelling is at most 50 square metres with a main usable area of 6m x 5m. The rear and side boundary details have not been supplied by the applicant, but it is recommended that the amenity space be incorporated with the adjacent flats giving one large amenity space. This will therefore negate the need for any fencing on site.

APPLICANT'S CASE: The applicant has provided a supporting statement for the proposed development see copy attached at end of report. The applicant has also indicated that they would be willing to enter into a Section 106 agreement to ensure that a parking area opposite the site, under the control of the applicant, will be maintained and retained in perpetuity for the parking of 12 cars for local residents.

RELEVANT HISTORY: The site in question has been the subject of numerous applications for residential development. The estate itself was approved in 1974, but no conditions were imposed at that time to ensure that the garages, the subject of the application, were tied to each individual flat and safeguarded for parking in perpetuity.

There have been three previous applications for residential development on this site, the most recent of which was refused on 07 January 2003. This particular application related to the erection of one detached dwelling, with concerns about the overlooking of adjacent amenity areas and the loss of parking cited as the main reasons for refusal. The other two applications related to a terrace of three town houses and two semi-detached dwellings. In both cases loss of parking, overlooking and lack of private amenity space were cited as reasons for refusal. The applicants have not appealed against any of the Councils previous decisions.

CONSULTATIONS: UDC Environmental Services: No comments.

TOWN COUNCIL COMMENTS: The committee object to this application because of the loss of parking places to the adjacent flats. The original planning permission for the Ozier Court flats was conditional on the garage block being provided and car ownership has increased dramatically since then. The Committee considers this would result in gross over development.

REPRESENTATIONS: 43 neighbours surrounding the proposed development were notified. Advertisement expired 09 October 2003. Three letters of objection have been received, two of which are from the same address.

Summary of comments: There is considerable pressure for vehicular parking in the area and any new dwelling would make further problems for parking. The area is used by parents dropping off and picking up children from Katherine Semar School and is also full at night when used by residents. There would be a reduction in off-street parking facilities thus worsening the current situation. It would be better to replace the run-down garages with new garaging for local residents. The garages are probably empty because of high rents charged by the owner to use them. No vandalism has been reported to the Flat Management Company.

PLANNING CONSIDERATIONS: The main issues are whether: -

- 1) **the site is an appropriate location for residential development (PPG3, ERSP Policies BE1, H2, H3, ADP Policy S1, H1 and DLP Policy S1, H1 and H2),**
- 2) **the number of dwellings proposed is acceptable in terms of density, design, layout, amenity space etc and will not overlook surrounding properties. (PPG 3, ERSP Policies H3, ADP Policy DC1, DC14 and DLP Policy GEN2, GEN4) and**
- 3) **there will be a net loss of parking spaces and whether the site will have adequate parking facilities. (ERSP POLICY T12, ADP POLICY T2, DLP Policy GEN9).**

1) The site is located within development limits and is previously developed land. It is therefore suitable for residential development in principle subject to meeting other policy criteria.

2) The density of development would be equivalent of 80 dwellings per hectare which complies with Government policy for urban areas. Surrounding properties are all three storey flats. The proposed development, which technically houses, would be compatible with the appearance of neighbouring properties. Materials would compliment the surroundings.

One of the reasons for refusal of previous schemes was overlooking of the amenity space of the neighbouring flats. It is proposed to overcome this by orienting the properties so their main windows to habitable rooms are to the front and side, with obscure glazing to the windows facing the amenity space. In any event it is the nature of shared amenity space that it is already overlooked by the existing flats.

The usable amenity space for each property is 30sq m. This is below the standard for houses but above that for flats. The design and appearance of the proposed development and its surroundings means that, exceptionally, the proposed development may be considered as a form of hybrid development, falling between the definitions of houses and flats. If the amenity space were to be incorporated into that of the existing flats rather than fenced off separately then the development would appear contiguous with its surroundings, and the function of the amenity space for the occupiers would remain. This can be covered by condition.

3) The other reason for refusal of previous schemes was the loss of parking. The site is not currently used to park vehicles: only two of the garages are in use and they are used for domestic storage. The proposed development would have two parking spaces each, which complies with standards, and is therefore self sufficient in terms of parking.

The issue remaining is the loss of land which could potentially be used for car parking and, indeed, was clearly meant to be available to serve the existing development when planning permission was granted in 1974. Unfortunately no condition was imposed requiring the garages to be retained for car parking and the garages were subsequently sold to the applicant. It appears therefore that the parking areas are in separate control to the flats. The applicant has control of land opposite the site which is currently available, free of charge, for residents parking with a capacity for up to 9 cars. The applicant has offered to enter into a s106 agreement to make these parking spaces, together with a further three spaces, available in perpetuity for residents' parking.

There would therefore be a loss of 9 garage spaces, none of which are presently used for parking. This would be offset by the guaranteed retention of 9 existing parking spaces plus the provision of a further 3. This would be a net loss of 6 parking spaces. Such a loss of parking is not, on the face of it, acceptable. However there are exceptional circumstances here because of the unusual ownership situation and lack of conditions controlling parking, as explained above. Officers have considered the possibility of enforcement to try and make the existing garages available for car parking, but the lack of any conditions makes this difficult. All that could possibly be achieved is the improvement of the site through service of a s215 Wasteland Notice, but it would not be possible to force the owner to make the garages available for residents' parking. In the circumstances it is reluctantly concluded that the application represents an opportunity to secure some guaranteed parking for residents, and this outweighs the loss of the garage parking.

CONCLUSION: This is a finely balanced proposal on which Members' careful judgement is required. Members may consider that the proposal represents overdevelopment of a cramped site which is inappropriate for further residential development and that the loss of land clearly originally intended for residents' parking is not acceptable. On balance, Officers consider that because of the exceptional circumstances applying in this case, permission should be granted subject to conditions and a s106 agreement requiring the provision of 12 parking spaces to be kept available free of charge for residents parking.

RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO SECTION 106 AGREEMENT TO SECURE LAND OPPOSITE THE SITE FOR THE PARKING OF TWELVE VEHICLES FOR FREE USE BY LOCAL RESIDENTS 24 HOURS A DAY 365 DAYS A YEAR. SUCH LAND SHOULD BE MAINTAINED AND RETAINED FOR PARKING PURPOSES IN PERPETUITY AND EACH SPACE SHALL BE CLEARLY LAID OUT

1. C.2.1. Time limit for commencement of development.
2. C.3.2. To be implemented in accordance with revised plans.
3. C.5.1. Samples of materials to be submitted and agreed.
4. C.6.7. Excluding conversion of garages.
5. C.11.7. Standard vehicle parking facilities.
6. C.19.1. Avoidance of overlooking – 1.
7. The windows in the eastern elevation marked in red on the approved plan attached shall be obscure glazed with glass of obscuration level 4 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall be retained in those windows in perpetuity.

REASON: To prevent possible overlooking of neighbouring properties in the interest of residential amenity.

8. The rear amenity area approved as part of this application shall be incorporated with the amenity area of the adjacent residential flats and shall not be screened by fencing unless otherwise agreed in writing with the local planning authority.

REASON: To ensure that the amenity area is in keeping with adjacent flats.

9. C.4.1. Scheme of landscaping to be submitted and agreed.
10. C.4.2. Implementation of landscaping.
11. The buildings shall be set back to allow a 6.0 metre long parking space in front of each flat, details of which shall be submitted to and agreed in writing with the local planning authority prior to the commencement of development.

REASON: To ensure that the flats have adequate parking facilities and to allow the garage doors to be opened in the interest of highway safety.

12. Removal of PD rights.

Background papers: see application file.

UTT/0128/04/FUL - AYTHORPE RODING

Erection of three detached dwellings plus detached garage. Change of use from industrial/nursery units to residential.

Keeres Green Nursery, Keeres Green. GR/TL 594-142. Aldis of Barking Ltd.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 07/04/2004

NOTATION: Outside Development Limits S2. Affects the Setting of a Listed Building DC5.

DESCRIPTION OF SITE: This application relates to land to the east of the B184 between Leaden Roding and Aythorpe Roding at Keeres Green and has an area of approximately 5,253 sqm. To the north and west of the site lies open countryside. To the east lies several existing detached dwellings in large plots and to the south lies a group of three detached Grade II Listed cottages.

There are two principal buildings on the site, a glasshouse and a monopitched largely open fronted store, both located at the back of the site furthest away from the road. Owing to this, as well as their height (approximately less than 4m high) and an existing hedge, they are not visually prominent in the street scene.

DESCRIPTION OF PROPOSAL: This application proposes the demolition of these structures and the erection of three detached two storey dwellings: two with integral garages and one with a detached garage. Plots 1 and 2 would be similar dwellings and both would have a footprint of 155 sqm with a ridge height of 8.3m and eaves of 3.4m at its highest point. Plot 3 would have a footprint of approximately 188 sqm, a ridge height of 8m and an eaves height of 2.2m with a detached two bay garage with a footprint of approximately 39 sqm, a ridge height of 5.2m and an eaves height of 2.5m. Materials would consist of timber boarding, fascia brick and render to walls, clay plain tiles to roofs and a close boarded fence to the west boundary.

APPLICANT'S CASE: Our client believes that a change of use to residential would be to the benefit of adjoining landowners. It is considered that such a housing development would bring about a significant environmental improvement by removing the existing uses, which generate reasonably high levels of traffic movement and have tended in the past to create an untidy environment, the site having been subject to varying methods of illegal fly tipping, abandoning of cars and tyres etc. It is also believed that the proposals do reflect the surrounding properties in terms of plot size and consequently have been limited to three no. detached houses with elevational treatment to respond to the materials in the adjacent hamlet of Keeres Green.

RELEVANT HISTORY: Planning permission for the retention of the greenhouse was granted 1990. Planning permission for the erection of one dwelling to the east of the application site to replace established B1 and B2 buildings (Section 106 Agreement) was granted in 1997. This has been built. Outline planning application for residential development (two dwellings) to replace existing buildings and uses refused 1999. Outline planning application for the erection of B1 (Light Industrial) buildings withdrawn 2000.

CONSULTATIONS: ECC Highways: None received. (due 28 February 2004).

Water Authority: None received. (due 28 February 2004).

UDC Specialist Design Advice: To be reported.

PARISH COUNCIL COMMENTS: None received. (due 13 March 2004).

REPRESENTATIONS: This application has been advertised and three representations have been received. Advertisement expired 18 March 2004.

1. Support. However, concern raised relating to location of the site entrance.
2. No objection. However, concern raised relating to site levels, visual impact and landscaping.
3. May support residential development provided the design is complementary to the adjacent Listed Buildings, The ridge height does not dominate, the site to be made level with the existing road, mature trees to be planted, no outdoor parking of commercial vehicles and fences to be no higher than one metre adjacent the road.

PLANNING CONSIDERATIONS: The main issues are: -

The principle of residential development on this site is addressed by Policy S2 of the Adopted District Plan 1995. As the site is located outside development limits it is considered to be in the countryside, where the primary aim of planning policy is to restrict development unless it relates to agriculture, forestry, appropriate outdoor recreational uses, or appropriate changes of use of suitable existing buildings compatible with a rural area. This is carried forward in emerging Policy S7 of the Revised Deposit Draft District Plan 2002 where development will only be allowed in the countryside, which needs to take place and is appropriate to the rural area. This proposal does not relate to any of these exceptions. This policy is clear in its interpretation of central Government advice provided in PPG7 (Para 3.20) – The Countryside, Environmental Quality and Economic and Social Development regarding the character of a settlement and the countryside, where development of a fragmented nature such as ribbon development should be avoided.

Policy C5 of the Essex and Southend-on-Sea Replacement Structure Plan also supports this stance

The existing buildings are not considered to be extremely prominent or severely detrimental to the rural character of the area to justify any exception to policy. It may be contrasted with the permission granted for demolition of existing buildings and erection of a dwelling on adjoining land (New Farmhouse) where there was a lawful non-conforming industrial use and clear environmental advantages. The buildings on application the site are not considered out of place in this rural area or harmful to local character or amenity.

It is further considered that the erection of a dwelling in this location would detrimentally alter the open character of this countryside location and the visual quality of this area with views of agricultural land to the north and west. PPG3 - Housing (Para 70) reflects the fact that development must be designed sympathetically and laid out in keeping with the character of a village and PPG7 – The Countryside, Environmental Quality and Economic and Social Development (Para 3.21) also shows that infill with housing must be strictly controlled in the countryside and reflect the character of the surroundings and the number of such housing groups in the area. This is not an infill plot and the size, scale and design of these houses could not be considered to represent dwellings that would meet the needs of local people and therefore be considered as an exception to planning policy.

COMMENTS ON REPRESENTATIONS: The principle of residential development in this location should not set a precedent for further development in the countryside outside development limits contrary to comments received regardless of the inappropriate design and siting.

CONCLUSIONS: This proposal is contrary to Policy and is considered to be inappropriate development in the countryside that would be detrimental to character and rural amenity. There are no material planning considerations that would justify a decision other than in accordance with the development plan.

RECOMMENDATION: REFUSAL REASONS

1. This proposal would constitute unacceptable development in the countryside, which would and suburbanise the character of this rural area to the detriment of its appearance and function contrary to Policy C5 of the Essex and Southend-on-Sea Replacement Structure Plan 2001, Policy S2 of the Adopted District Plan 1995 and Policy S7 of the Revised Deposit District Plan 2002.
2. This proposal would constitute unacceptable development inconsistent with the surrounding scale and character of nearby Listed Buildings and as such would detrimentally affect their setting due to the proposed dwelling's prominence and untraditional wide span contrary to Policy DC5 of the Adopted District Plan 1995 and Policy ENV2 of the Revised Deposit District Plan 2002.

Background papers: see application file.

UTT/0038/04/DC - QUENDON & RICKLING
(Council application)

Erection of detached house.
Site 2 Woodside Rickling Green. GR/TL 510-300. Uttlesford District Council.
Case Officer: Mrs K Hollitt 01799 510495
Expiry Date: 16/04/2004

NOTATION: ADP: Within Development Limits/Area of Special Landscape Value/Conservation Area.
DLP: Within Settlement Boundary/Conservation Area.

DESCRIPTION OF SITES: This sites is located on the western side of the road running up to Rickling Green. The site was formerly the side garden to 6 Woodside and was formerly the parking area to this property. The plot has a frontage of 12.5m and a depth of 33m and backs onto the allotments.

DESCRIPTION OF PROPOSALS: This proposal relates to the erection of a two bedroom cottage having a frontage of 9m and a depth of 6.5m. The property would have a red brick ground floor and front gable, rendered first floor and a slate roof. It is proposed to provide a parking area which would be capable of accommodating a minimum of two vehicles.

RELEVANT HISTORY: Previous applications withdrawn. These related to proposals for new dwellings which would have had a dominant effect on the neighbouring properties and appeared out of character with the area and had a detrimental impact on the setting and character of the conservation area.

CONSULTATIONS: Anglian Water: None received (due 11 March 2004).
Environment Agency: No objection.
Design Advice: To be reported.

PARISH COUNCIL COMMENTS: To be reported (due 25 March 2004).

REPRESENTATIONS: This application has been advertised and no representation has been received. Period expired 23 March 2004.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would

- 1) be appropriate within development limits and appropriate use of land (ERSP Policies CS2 & C5, ADP Policies S2 & DC1 and DLP Policies S3 & GEN2,
- 2) meet the design criteria for development within a conservation area (ERSP Policy HC2, ADP Policy DC2& DLP Policy ENV1) and
- 3) have an adverse impact on the residential amenity of the adjoining properties (ADP Policy DC14 and DLP Policy GEN4).

1) The site is located within the development limits and forms a small gap between existing frontage housing. The proposed infilling would be acceptable in principle and would not adversely affect the character of the area. The proposals meet the stated criteria in relation to parking provision. In addition, the unit would be a two bedroom property, which would contribute towards the requirement for affordable housing within the village. It is also considered that the use of the land for residential development would meet the criteria for best use of land as required by PPG3. The parking provision for 6 Woodside has been

previously considered and planning permission for a new vehicular access and two parking spaces was approved in May 2001.

2) The property has been designed to be a low-key building, which should not have an adverse impact on the character of the area. The design of the property has been significantly improved from the previous schemes which were withdrawn. It is considered that the proposed property would be in keeping with the character of the area and should not be detrimental to the character and setting of the conservation area.

3) The siting of the proposed dwellings is considered acceptable. The dwelling would be located in the middle of the plot with approximately 2m gap to the south western boundary and a similar size gap between the side elevation of this proposed property and 6 Woodside. It is considered unlikely that the position of this dwelling would have a materially adverse impact on the residential amenity of the adjoining properties. No overlooking or overshadowing issues are raised in respect of the proposals.

CONCLUSION: On balance the proposals are acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.5.1. Samples of materials to be submitted and approved.
4. C.5.7. Window details.
5. C.6.3. Removal of permitted development rights.
6. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
7. C.4.1. Scheme of landscaping to be submitted and agreed.
8. C.4.2. Implementation of landscaping.
9. C.11.7. Standard parking requirements.
10. C.19.1. Avoidance of overlooking.

Background papers: see application file.

UTT/1727/03/OP - MARGARET RODING

Outline application for provision of mobile home for occupation by agricultural worker for period of 3 years.

White Hall. GR/TL 597-125. Mr T Whirledge.

Case Officer: Mr R Aston 01799 510464

Expiry Date: 18/12/2003

NOTATION: ADP & DLP: Outside Development Limits/Settlement Boundaries/Metropolitan Greenbelt

DESCRIPTION OF SITE: Marks Hall Farm is an existing agricultural smallholding located within the Metropolitan Greenbelt, outside Development Limits on the B1060 between Margaret Roding and Leaden Roding. The site consists of the main farmhouse, a number of agricultural outbuildings used to house cattle and a B1 Office building fronting the highway, which is currently used by the applicant in association with an Agricultural Surveying practice. The proposed site for the mobile home is located immediately to the north of the agricultural outbuildings in a field, with an existing access point.

DESCRIPTION OF PROPOSAL: Outline application for the provision of a mobile home for occupation by an agricultural worker for a period of three years.

APPLICANT'S CASE: Please see supporting statement dated September 2003 and applicant's letter dated 16 December 2003 attached at end of report.

RELEVANT HISTORY: Change of use of redundant timber framed barn to B1 office use, alteration of existing access, approved 1990. Erection of replacement single storey extension to farmhouse approved 1997. Erection of hay and machinery store approved 1998. Erection of double garage approved 1998. Proposed cattle, hay and machinery store, approved 1999. Erection of extension to farm building, approved 2001.

CONSULTATIONS: Environment Agency: Standard comments relating to small residential development.

Thames Water: No objections.

ECC Highways: No objections to the proposal.

PARISH COUNCIL COMMENTS: None received

REPRESENTATIONS: None. Notification period expired.

PLANNING CONSIDERATIONS: The main issues are

- 1) whether the proposal satisfies a clear functional need for an agricultural workers dwelling in accordance with PPG 7, ADP Policy C8 and DLP Policy H11 and
- 2) whether the proposal would be detrimental to other planning interests within this rural area of the Metropolitan Greenbelt (ERSP C5, ADP S2, S3, C4 and DLP S6, S7).

1) Annex I to PPG 7 guides that, with regard to temporary agricultural workers dwellings, where a new dwelling is essential to support a new farming activity on a newly created agricultural unit or an established one, it should normally for the first three years be

provided by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation. In addition it should also satisfy the following criteria:

- Show clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions)
- A clearly established functional need
- Clear evidence that the proposed enterprise has been planned on a sound financial basis
- The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- Other normal planning requirements, for example siting and access are satisfied

This is continued through to the Adopted district plan and emerging district plan, which adds the proviso that such dwellings should be of modest proportions, and in relation to the needs of the agricultural enterprise.

The main differences between the previous scheme which was refused in November 2002 for a permanent dwelling, is that information has been submitted to show that there is a firm intention to expand the existing agricultural enterprise. The farm is developing and in accordance with the above, it is considered that the intention to expand has been shown by the significant input of capital into the enterprise for the erection of a cattle, hay and machinery store, the extension of an existing farm building to form a new cattle holding area which was granted permission in 2001. It is the applicants intention that with a total of 38 pedigree Blonde d'Aquitane animals, by taking on a stockman it will enable him to increase the mature females over a period of two years to a total of 26 (from 20), providing more females to produce calves and subsequently increasing the number of followers to 38 and the herd to 64 in total. This would also result in additional income from selling young pedigree breeding stock or fattened animals for beef, whilst not prejudicing the ability to develop the herd and improving the viability of the holding. Evidence from an independent agricultural consultant has confirmed this and states that the potential benefits of the herd's status is lost because the applicant is employed in his own surveying business on the site and does not have the time to fully expand the herd and as a result the calves are sold off to be finished instead of being retained for breeding purposes. It is therefore considered that the applicant has shown and, is willing to expand the existing enterprise by increasing the herd as proved by the investment made into the current farm unit.

With regards to the functional need, PPG 7 makes it clear that whether the need for a dwelling is essential, this will depend on the needs of the farm concerned and not on the personal preferences or circumstances of any of the individuals involved. In addition, Policy C4 of the ADP seeks to promote enterprise and development, which diversifies and enhances the rural economy whilst conserving planning interest in the countryside. It therefore follows that accommodation necessary in order that the business should be viable and thrive should be treated as essential but that in this case this should also be weighed against the impact on the Metropolitan Greenbelt and the surrounding rural area.

The agricultural appraisal states that there is a need for a stock worker to work for a total of 207 standard "man" days, with 28 if these being as a result of the herd's status, which results in the herd requiring greater care, time input and levels of husbandry. The requirement for a full time agricultural worker is approximately 275 days. However it is the consultant's opinion that the difference between the two would only be reduced once the herd reaches 30 plus. At the time of the site visit there were 38 head on the unit and the introduction of more head over the next two-year period would reduce this difference further still. The applicant

currently runs an established agricultural surveying business from a converted barn opposite the main dwellinghouse. In addition to the applicant working for 5-6 hours in connection with this business, the applicant is also nearing retirement age. The supporting statement argues that the location of the existing dwelling on site is not best placed on the holding for the handling of emergencies with animals in the barn and that in the past, animals have been lost through a lack of assistance during the night, with the likely result that in future this would increase without a full time stockman. The main dwellinghouse is located c. 65-70 m away from where the herd is housed in the barn adjacent the site for the temporary dwelling, with the existing hay store between facing onto the farmyard. It could be considered that because the applicant is reaching retirement age, and because of the location of the barn that during the night, the existing farmhouse is not best placed to serve the herd quickly and efficiently. It is a fair assumption that if the animals were in need of care during the night that a stockman located adjacent to the barn would be able to tend to the herd more effectively.

With regards to the financial test, if the mobile home is considered to be essential and a willingness to improve the viability of the farm is shown then the financial considerations do not necessarily apply, only that it is planned on a sound financial basis. Accounts have been submitted in support of the application, which show that for the period ending 30 September 2003, the enterprise made a profit and advice was given that if the herd is increased by 25% profitability should be increased accordingly by 40%. In previous years, and at the time of the last application in November 2003, the unit has showed a net loss since 1998. Given the intentions to expand the enterprise as discussed above, plus evidence that for the first time since 1998 the enterprise has been in profit, it is considered that sufficient justification has been given to show that the enterprise has been established on a sound financial basis. Given the input of capital into the enterprise and the applicant's intentions, Officers consider that this should not continue. Furthermore, if temporary permission is granted for a period of three years, at the expiry of that period, the Council will be able to assess again the growth of the enterprise in accordance with National Planning Policy Guidance Note 7.

Possible alternative accommodation is limited on the holding as there is only one main dwelling, the farmhouse. The nearest farm workers cottages are in the village of Leaden Roding and are therefore too remote to enable a stockman to look after the herd. The high cost of properties in the area, coupled with the relatively low wages of an agricultural worker result in a situation hereby even if appropriate dwellings were available they are too expensive to afford.

2) The second reason for refusal of the previous scheme was that the erection of a dwelling, of modern permanent construction would have a detrimental impact on the character and appearance of the Metropolitan Green Belt. The same does not automatically follow for a temporary mobile home. The design and external appearance of the mobile home can be controlled at the reserved matters stage. Although the applicant has included a picture of a style of mobile home, the design and external appearance are not to be considered at this outline stage. In connection with an appropriate landscaping scheme to minimise the visual impact, it is considered that this building would relate better to the size of the holding and the existing agricultural barns immediately adjacent and accordingly would not appear as intrusive, as a permanent dwelling and therefore would not have a material impact on the open characteristics of the Metropolitan Green Belt.

COMMENTS ON REPRESENTATIONS: See above

CONCLUSIONS: It is considered that the applicant has now shown that the intention to increase the size of the herd and the subsequent increase in workload requires the support of an agricultural worker to provide full time animal husbandry and is therefore essential to the future viability of the holding. Clear evidence has been submitted that the enterprise is planned on a sound financial basis and because of the reasons shown above, there is no

suitable agricultural workers accommodation in the surrounding area. The proposed siting of a mobile home and its location would not have a detrimental impact on the open characteristics of the Metropolitan Greenbelt. It is therefore considered that the proposal for a temporary agricultural workers dwelling complies with the provisions of PPG7, ADP S2, C4, C8 and S3 and in addition DLP H11, S6 and S7. Accordingly it is recommended that planning permission subject to conditions be granted for a temporary period of three years.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matters: 1.
2. C.1.2. Submission of reserved matters: 2.
3. C.1.4. Time limit for commencement of development.
4. C.3.1. To be implemented in accordance with approved plans.
5. This permission is for a limited period only expiring on 5 April 2007 and the use hereby permitted shall be discontinued and the mobile home removed and the land restored to its former condition on or before that date.
REASON: To enable the local planning authority to reconsider the appropriateness of the dwelling at the expiration of the limited period.
6. The occupation of the dwelling shall be limited to a person solely working in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry on the land outlined in red on the attached plan dated September 2003.
REASON: The proposed dwelling is situated in a rural area where the Local Planning Authority would not normally grant permission for such development and this Permission is granted solely in order to fulfil an essential agricultural need.

Background papers: see application file.

UTT/0096/04/FUL - QUENDON & RICKLING

Modification to planning permission UTT/0821/02/FUL to erect larger dwelling.
Land at Birds End Rickling Green. GR/TL 507-293. Mr & Mrs D Jones.
Case Officer: Consultant North telephone 01799 510469/510478
Expiry Date: 19/03/2004

NOTATION: Outside Village Development Limits & Settlement Boundaries/Within Area of Special Landscape Value (ADP only)/Protected Lane & Verge/Near to Quendon Wood & Broom Wood SSSI.

DESCRIPTION OF SITE: This 0.78 ha (2 acre) site is located on the south-eastern side of the single-width rural lane which links Rickling Green with Manuden to the south-west. It is some 0.5 km from the village and is well screened by trees and hedges on its peripheries. The main part has now been cleared in preparation for the replacement dwelling already approved. All the previous buildings have now been demolished. It is about 100m from the nearest dwelling and is the only residential property on this side of the road (Brixton Lane).

DESCRIPTION OF PROPOSAL: It is proposed to vary the permission granted in 2002 for a replacement two-storey four-bedroomed dwelling and treble garage/cartlodge by:

- a) relocating the new dwelling 25m west from the site of the previous sawmill to the footprint of the demolished workshop,
- b) reorientating the house through 90 degrees to be north – south instead of east - west,
- c) resiting the garage 30m south from near the site entrance to alongside the house,
- d) raising the height of the dwelling by 0.2m to 7.2m and increasing the footprint by 10sqm to 130sqm (but no increase in the number of bedrooms),
- e) changing the form from a square to a rectangle, breaking up the shape and increasing roof pitches and
- f) planting more trees and shrubs.

The materials would be red brick, render, stone, weather-boarding and clay tiles, rather than just boarding and tiles as approved. The existing unmade access at the northern end of the site would be utilised.

RELEVANT HISTORY: Replacement dwelling approved in 1979, 1982, 1987 & 2002 (not implemented).

CONSULTATIONS: English Nature: Advisory comments re Quendon Wood & Broom Wood SSSI (200m to SE).
Thames Water: No objections.

PARISH COUNCIL COMMENTS: None received (due 12 February).

REPRESENTATIONS: Two. Notification period expired 17 February

1. Contrary to previous permission. Would this still comply with Policy H8? Completely different style of building. Would have more impact and not be sympathetic with the area. Seem to go against previous applicant's case. Have there been any Policy changes?
2. Support. This site has always been an eyesore over the years with vehicles, equipment, huts and sheds. The new owners have cleared the land and propose a house which would be an asset to the area and would not stand out in the countryside.

PLANNING CONSIDERATIONS: The main issues are whether this revised proposed replacement dwelling would be in keeping with the rural area in terms of siting, scale, design and use of external materials, together with landscaping (ADP Policy H6, DLP Policy H8).

This revised proposal has been negotiated with the applicants for over a year. It is considered superior to the approved scheme in many respects (referring to the 6 changes listed above):

- a) The proposed relocation 25m west would reduce the visual impact of the new dwelling on the open paddock area in the eastern of the site and in the wider landscape where there are views down to Quendon Wood.
- b) The proposed reorientation would reduce the visual bulk of the house when viewed from the lane by presenting the narrower northern side of the building rather than the previous bulky front elevation.
- c) The proposed relocation of the garage/cartshed away from the entrance drive would also reduce the effect when seen from the lane.
- d) The slightly taller house allows for steeper-pitched roofs, which would be more in keeping with traditional building forms.
- e) The change from a mainly square plan form to a mixture of rectangular shapes would present a more interesting design appropriate to this attractive rural area. There would also be a greater variety of materials.
- f) The proposed landscaping has been improved with additional planting to the south and on both sides of the access drive.

COMMENTS ON REPRESENTATIONS: The neighbour's comments have been taken into account, but it is considered that the proposed changes would help to assimilate the new dwelling into the landscape.

CONCLUSION: It is considered that this revised proposal is a marked improvement on the previously approved scheme.

RECOMMENDATION: APPROVAL WITH CONDITIONS

- 1. C.2.1. Time limit for commencement of development.
- 2. C.3.1. To be implemented in accordance with approved plans.
- 3. C.4.2. Implementation of landscaping.
- 4. C.4.5. Retention of hedges.
- 5. C.5.2. Details of materials to be submitted and agreed.
- 6. The material to be used in cladding the roofs of the house and cartshed hereby approved shall be clay tiles or clay pantiles.
REASON: In the interests of the appearance of the development and its setting.
- 7. C.5.9. Stained wood.
- 8. C.6.2. Excluding all rights of permitted development within the curtilage of a dwellinghouse without further permission.
- 9. C.6.5. Excluding fences and walls without further permission.
- 10. C.7.1. Details of external ground and internal floor levels to be submitted and agreed.
- 11. C.23. Demolition of existing dwelling.
- 12. C.8.27. Drainage Details.
- 13. C.15.1. Superseding previous permission.

Background papers: see application file.

UTT/0138/04/OP – TAKELEY

Outline application for erection of 3 dwellings with all matters reserved except siting and means of access.

Site to the west of Station House. GR/TL 561-210. Essex County Council.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 26/03/2004

NOTATION: Development Limits S1. TAK3 Policy Area.

DESCRIPTION OF SITE: The site is located approximately 300m to the south of the A120, immediately east of Station Road in Takeley. The site is roughly triangular in shape with its western boundary to Station Road, north eastern boundary to Sycamore Close and southern boundary to the former railway line. The land is also west of the former Station House. The site is characterised by dense shrubbery following the site's former use as a wildlife garden when the station building was occupied by the British Trust for Conservation Volunteers. A steep embankment also runs along the western side of the site adjacent to Station Road.

DESCRIPTION OF PROPOSAL: This application forms a revised scheme following outline approval for residential development, which was restricted by condition to two dwellings being tied to the implementation of the renovation of the Station House (Condition C.90.A). The development was also restricted to two dwellings (Condition C.90.B) owing to concerns over 3/4 dwellings of any type being excessive due to the irregular shape of the site, allowance for car parking and manoeuvring, usable open space and retention of some vegetation as well as the proximity of an embankment. Two semi-detached dwellings were therefore permitted to consistent with the style of Sycamore Close, which would limit the building foot-print and allow for parking, manoeuvring, open space and retention of some vegetation as well as the embankment.

The applicant has now specifically applied for outline approval for three dwellings, which they consider to be the minimum feasible to fund the renovation and maintenance of the Station House. The applicant also considers that the condition restricting the refurbishment of the station house to the implementation of the outline permission would restrict the marketability of any new homes and as such should not be attached.

APPLICANT'S CASE: It is the Councils intention to restore the Station House with the receipt from the sale of the site that is the subject of this planning application. An estimate for the cost of renovation has already been prepared and this roughly tallies with the anticipated value of the site (with planning permission as sought). Once funding is secured the restoration of the Station House will be undertaken as quickly as possible and should be complete prior to the end of 2004. I trust that planning permission can now be considered as soon as possible without conditions C.90.A and C.90.B as previously given.

RELEVANT HISTORY: Outline planning permission for 2 residential dwellings approved 2003 subject to conditions including C.90.A and C.90.B as detailed above.

CONSULTATIONS: ECC Highway: No objections subject to adequate car parking facilities to be provided within the curtilage of the site.

Water Authority: No objection.

Environment Agency: None received (due 18 February 2004).

Architectural Liaison Officer: No objections. Consider fencing off the rear parking court to at least 1.8m in height to prevent auto crime, the area being used as a through route for pedestrians and a potential for an escape/entry route for those carrying out crime or anti-social behaviour.

English Nature: Standard letter regarding the proximity of the proposed development in relation to Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). The erection of three dwellings at the proposed location is not likely to have a directly damaging effect upon Hatfield Forest SSSI/NNR but the activities supporting the works may potentially be damaging to the site. In addition, sewage and runoff from the proposed development both during works and following occupation must not be allowed to contaminate watercourses running through the SSSI/NNR. If your authority is minded to grant permission, English Nature requests that the Authority ensure that adequate provision is made for disposal of sewage from the dwellings and prevention of runoff onto the SSSI/NNR.

Essex Wildlife Trust: None received (due 18 February 2004).

Environmental Services: No comments.

Landscaping: The site is in the main covered with scrub vegetation consisting of Prunus species, Elder and Thorn. No trees are considered to be of an amenity value worthy of being made subject to a Tree Preservation Order. In the circumstances of planning permission being granted, it is recommended that a landscaping scheme be applied to provide enclosure of the development and visual separation from the Station House.

PARISH COUNCIL COMMENTS: No objections.

REPRESENTATIONS: None. Notification Period expired 24 February 2004.

PLANNING CONSIDERATIONS: The main issues are

- 1) **whether the siting of three dwellings on this site is appropriate in terms of ADP Policies DC1, DC14, TAK3 and RDLP Policies GEN2 and GEN4 and**
- 2) **whether the provision of car parking associated with the development is appropriate in relation to ADP Policies T1, T2 and RDLP Policies GEN1.**

1) This application is for outline planning permission for the erection of three dwellings with siting and means of access to be considered at this stage.

Policy TAK3 specifically relating to land to the east of Station Road allows small scale office, workshop or housing development subject to satisfactory highway access and no adverse affect to the amenity of existing housing. This proposal accords with this policy.

In terms of the embankment to the west of the site, the scheme now marks out the bottom line of the embankment and predominantly allows for its retention.

The overall foot print of the dwellings would be 144 sqm. The three properties would have differing provision for gardens. The dwelling to the east would have 81 sqm, the central dwelling would have 55 sqm and the west dwelling would have a garden area of 66 sqm. This is considered to be adequate provision for dwellings of this size.

It is considered that the proposal overcomes the issues relating to excessive development of the site and now allows for a substantial degree of existing vegetation to remain along the line of the embankment. The terrace style of dwellings would not be an unduly uncharacteristic feature in Sycamore Close where a terrace of three dwelling is a feature immediately opposite the site.

2) Six parking spaces are now proposed with adequate circulation. Four spaces to the rear of the terrace of three houses would be accessed through the terrace with two further spaces to the west of the terrace. This provision is considered to be appropriate in relation to properties up to three bedrooms such as likely in these terraces.

COMMENTS ON REPRESENTATIONS: It is considered that English Nature’s concerns relating to adequate drainage and sewage disposal can be secured by a condition.

CONCLUSIONS: This revised scheme largely overcomes officer concerns for the site relating to layout and parking. It is considered, therefore, that there is no longer a need to restrict permission to a maximum of two dwellings. In terms of a condition relating to the refurbishment of the Station House, it is accepted that the refurbishment of the Station House need not be tied to being completed before the occupation of the new dwellings, which would affect the site’s marketability and potentially hold back funding for the Station House’s restoration.

RECOMMENDATION: APPROVAL WITH CONDITONS

1. C.1.1. Submission of reserved matters: 1.
2. C.1.2. Submission of reserved matters: 2.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.3.1. To be implemented in accordance with approved plans.
6. C.12.3. Boundary screening requirements.
7. C.15.1. Superseding previous permission.
8. C.11.7. Parking.
9. C.7.1. Slab levels.
10. Drainage condition.

Background papers: see application file.

UTT/0210/04/FUL - GREAT DUNMOW

Erection of three cottages with garage.

Rear of The Kings Head North Street. GR/TL 627-222. Morris, Boyd & Hylton.

Case Officer: Mr R Aston 01799 510464

Expiry Date: 14/04/2004

NOTATION: ADP & DLP: Within Town Development Limits/Settlement Boundaries/Conservation Area/Curtilage of listed building.

DESCRIPTION OF SITE: The site is located on the eastern side of North Street about 500m north of the town centre opposite the County Library and Youth Centre. The plot lies to the rear of the King's Head PH (now closed) and used to form part of the rear beer garden. It measures 0.13ha and is surrounded by residential development. The land falls from west to east and is generally overgrown with long grass and some small trees at the western end. The site shares the existing access off North Street with The King's Head PH and its rear car park.

DESCRIPTION OF PROPOSAL: The proposal details the erection of three two-storey three-bed dwellings across the site north-south, with gardens to the rear (east) and a cart shed style double garage with four car parking spaces (total of 4). The building would have a frontage of 17m, a width of 8.9m and a height of 7.7m. The proposal would be located 12.5m from the western rear boundary of No 34 North Street and 27m from the rear boundary to the east.

RELEVANT HISTORY: Conversion of pub to dwelling approved in 1993 (now lapsed). Retention of play equipment in beer garden approved in 2001. Proposed erection of 3 dwellings refused October 2003 – reasons of loss of open space and trees, poor design, out of scale, overlooking/overshadowing/overbearing: inadequate parking and turning, disturbance impact on viability of Public House.

CONSULTATIONS: ECC Archaeology: No recommendations.

Specialist Design Advice: In design/architectural terms the proposed cottages respond well to the character of the local vernacular. Should this proposal be acceptable in planning terms, I suggest the use of good quality natural materials.

ECC Highways: None received.

Environmental Health: None received.

PARISH COUNCIL COMMENTS: Support application on grounds that there is a designated right of way for customers and vehicles to the rear of the King's Head.

REPRESENTATIONS: This application has been advertised and six representations have been received. In addition a 100-signature petition has been received in protest against the current closure of the Kings Head Public House.

General Summary – Overdevelopment of the site. Impact on the setting and character of the listed building. Detrimental to wildlife. The development would impact on the occupiers of North Street. The loss of the amenity land would affect the future viability of the public house, especially as the applicants vowed to re-open it. The development would change an historic open space. Although the design has changed, the height has increased which adds to the bulk, it would still be out of scale and character with the listed buildings that surround it. The plans are ill conceived and extremely similar to those refused last October.

PLANNING CONSIDERATIONS: The main issues are whether the proposal would:

- 1) be appropriate in principle within the Development Limits (ADP S1),**
- 2) have implications for the protection of open spaces, trees or wildlife on or near the site (ADP DC8, DLP ENV3),**
- 3) harm the setting of the conservation Area or adjacent Listed Buildings (ADP DC2, DC5, DLP ENV1, ENV2),**
- 4) detrimentally affect the amenities of neighbours on this backland site (ADP H10, DC14 & DLP H3, GEN4),**
- 5) impact on accessibility or road safety and make adequate car parking provision (ADP T1, T2, DLP GEN1, GEN9 and**
- 6) whether any fundamental revisions have been made to the application following the refusal of a similar scheme pursuant to UTT/1416/03/FUL, in order to overcome the previous reasons for refusal.**

1) The site lies within Town Development Limits/Settlement Boundaries where residential development is appropriate in principle, subject to other considerations as set out below.

2) Both the Adopted and district plan policies require that traditional and other visually important open spaces will be protected. It is considered that this site is traditional because of its links with the pub and important by virtue of its location, close to four listed buildings within the Conservation Area and forming a pleasant green space between the dwellings on North Street and those to the rear of the site. Although not specifically identified in policy, it is considered that this land should be protected from development in order to retain the locality's character. Representations have been made to state that there are protected species on the site, although their presence has not been qualified by a survey, the presence of such species is a material consideration in the determination of this application if found. If approved a full wildlife survey would be required in order to assess the impact of the development on any potential habitats.

3) The relevant policies require new development to be in harmony with the character and appearance of the Conservation Area and to protect the setting and character of adjacent listed buildings. The revisions to the design have resulted in an architectural style which would not itself be detrimental to the surrounding listed buildings. However the height of the buildings has seen an increase of 200mm, with the frontage reduced by 2.5m and the depth by 2.6m. Although the block is acceptable with regards to its architectural style, the form of the building would appear cramped, the site overdeveloped and out of keeping with the attractive group of listed buildings on North Street, in particular the Cottage to the south. It is considered that the new block would still dominate the listed building and would therefore be harmful to its setting.

4) Backland policy requires new development on sites without a road frontage to make significantly more effective use of land but only where there is no other reason not to for example where the proposal would cause no material overlooking, overshadowing effect on neighbours and where the use of the access would not cause a detrimental impact on residential amenity. This land is currently underused as the pub has closed, although there is no planning reason why the public house cannot be brought back into use. It is considered that the proposal would materially overlook and have an overbearing impact on the residential properties to the west, south and north due to the close proximity of the block to neighbouring dwellings. The location of the garage in the NW corner of the site would cause disruption to neighbours by virtue of its position abutting the boundary and through the manoeuvring opening and closing of garage/car doors. It is considered that the revised scheme does not overcome previous objections in this respect.

5) Adopted and emerging local plan policies require that access be provided in a safe manner that would not give rise to conflicts between road/access users. The previous scheme included a turning facility, which would have been unworkable due to the close proximity of car parking spaces. This has been amended and the two spaces in front of the garage have been removed. Two further spaces have been added immediately to the north of the entrance to the site, but it is not clear whether these are proposed for the residents or any future use of the pub. The revised siting of the two car parking spaces, now located along the boundary directly to the north of the entrance could give rise to an unacceptable level of disturbance to both future occupiers of the pub and 34 North Street.

6) Although the design of the block has been revised and is now considered to be architecturally in keeping with the locality, the form and scale of the proposal is still considered to be unacceptable and would adversely affect the character and setting of adjacent listed buildings. The loss of the open space would result in a material impact on the setting of the Conservation Area whilst the siting of the blocks would still give rise to an unacceptable impact on the residential amenity of adjoining occupiers. Furthermore, the development of this space for residential could adversely affect the future viability of the public house which although currently closed could be brought back into use. This would not be in accordance with Policy RS1 of the emerging plan, as the development does not contribute to the diversity of retail or other commercial activity such as a public house. As a result, it is considered that insufficient revisions have been made to the application to warrant approval of the scheme in light of the previous refusal, pursuant to UTT/1416/03/FUL.

COMMENTS ON REPRESENTATIONS: See above.

CONCLUSIONS: The proposal represents the loss of an important and traditional open space within the Conservation Area, although in private ownership, the space contributes to the urban grain and fabric of the locality and its loss would be detrimental to the setting and appearance of the Conservation Area. The proposal would result in a cramped form of development, detrimental to the character and setting of adjacent listed buildings. The residential amenity of neighbouring occupiers would be affected by virtue of the developments overbearing visual impact, the loss of privacy and potential general noise and disturbance, associated with three, three bed dwellings. It is therefore considered that there are still sound reasons, which warrant the refusal of this application.

RECOMMENDATION: REFUSAL REASONS

1. The proposed development would result in the loss of an important open space and would threaten the existence of certain trees, which both positively contribute to the setting and character of the Conservation Area, the need for development does not outweigh these considerations and therefore the proposal is contrary to ADP Policy DC8 and DLP Policy ENV3.
2. The proposal would be unacceptable, because the erection of three dwellings in this location would result in a cramped form of development which would be detrimental to the visual interests of its surroundings and out of keeping with the character and setting of the surrounding listed buildings, contrary to ADP Policy S1, DC5, DC1 and DLP Policy ENV2 and GEN2.
3. The proposed development would be unacceptable because the siting of the dwellings and garage would cause adverse overlooking, overshadowing and create an overbearing impact on the residential amenity of adjoining occupiers, contrary to ADP Policy DC14 and DLP Policy GEN4.
4. The loss of the beer garden and part of the car park would exacerbate the poor viability of the public house and the proposal would not contribute to the diversity or

commercial activity of the town and could lead to the pub's permanent closure, contrary to the provisions of DLP Policy RS1.

Background papers: see application file.

UTT/2115/03/FUL - SAFFRON WALDEN

Demolition of existing buildings. Formation of access road. Erection of thirty-one units, including 8 affordable units, with garaging and parking.

Site North of West Road. GR/TL 540-379. Charles Church North London.

Case Officer: Ms H Lock 01799 510486

Expiry Date: 03/02/2004

NOTATION: ADP - Within Development Limits/Eastern part within Conservation Area/Allocated Residential Site Policy SW9.

DLP – Within Settlement Boundary/Allocated Residential Land Policy SW2.

DESCRIPTION OF SITE: This 0.48 hectare former commercial site has outline permission for residential development and is an allocated site in the Development Plan. It comprised a range of now mostly demolished buildings, and tree planting to part of the west and north boundaries. The site is surrounded by housing, and is elevated approximately 2.5m above Jordan Close to the rear.

DESCRIPTION OF PROPOSAL: Planning permission is sought for a mixed residential development of 31 dwellings comprising 4 x 1 bedroom flats, 10 x 2 bedroom flats, 2 x 2 bedroom houses, 10 x 3 bedroom houses and 5 x 4 bedroom houses. The houses would be a mixture of semi detached, link detached and terraced and semi-detached properties, with the flats in 3 and 2.5 storey elements. There would be frontage development to West Road with development in the centre of the site being grouped around a courtyard comprising a range of designs. These would take the form of two/two-and-a-half storey buildings on the West Road frontage with heights varying between 8.5 and 10m (through a 'stepped' design, these would increase to two-and-a-half and three-and-a-half storeys at the rear of the houses); and two, two-and-a-half, and three storeys at the rear rising to a maximum of 11.7m where the rear of the site fronts the junction of Jordan Close with Station Road. The buildings along the east and west boundaries would be two and two-and-a-half storeys. Parking for 46 cars would be provided in a variety of garages, spaces and carports distributed around the site. Private garden areas would be provided for the houses comparable with nearby adjacent development, including the recent development at Cornmill Court. All the proposed flats would have amenity areas averaging at 25 sq m per unit. The distances from the rear elevations to the rear boundary would range from 9 to 12m, and distances between proposed and existing buildings would be 22 to 26m. The density would be 50 dwellings per hectare.

Eight of the dwellings (26%) would be affordable, comprising 4 x 1 bed and 4 x 2 bed flats located on the West Road frontage.

APPLICANT'S CASE: See letter accompanying the application available for inspection at the Saffron Walden Offices of the Council.

RELEVANT HISTORY: Erection of 9 houses approved March 2001. Outline permission for residential development approved September 2001. Application to remove the requirement for affordable housing refused December 2002. There is currently an appeal lodged against non-determination of an application for reserved matters for thirty-six units on the site (this was reported to the Development Control Committee to endorse the recommendation of refusal at the meeting on 3 November 2003).

CONSULTATIONS: ECC Planning & Admissions Service (Education): the development would have implications for school places and require a developer contribution (to be announced) towards additional primary and secondary school places.

Environment Agency: No comments – reply due 31/12/03. The EA required a flood alleviation scheme on the previous scheme and it is proposed to carry this forward

ECC Highways: No objections subject to conditions

TOWN COUNCIL COMMENTS: To be reported.

REPRESENTATIONS: This application has been advertised and 25 representations have been received.

Objections – West Road has already had 2 large housing schemes which have increased traffic and parking congestion on road. Extra units will exacerbate existing problems. Inadequate parking within the development. Additional traffic hazardous to schoolchildren. Too high density, overdevelopment. Would be overbearing, out of scale and character with area. Materials inappropriate. No visible greenery. Loss of town views. Adverse impact on Conservation Area. Overloading of schools and local health services. Unacceptable loss of trees. Overlooking & loss of privacy. Loss of light from three storey element. Concerned at height of rear units. Scale does not respect existing in West Road. Designs are mediocre, repetitive and contribute little to adjacent Conservation Area. Frontage properties too close to road, and should be at least 3m back to allow for planting. Too close to dwellings at rear. Noise, light and air pollution. No indication of rear boundary treatment. Concern at demolition of asbestos buildings. Should control working hours and addition of satellite dishes, etc. Flats out of keeping with rest of road. Safety during demolition. Impact on over-stretched infrastructure of town. Inadequate drainage to serve additional 31 dwellings.

Friends of the Earth: Objection. Should be pedestrian access to Station Road.

PLANNING CONSIDERATIONS: The main issues are whether

- 1) **the proposed designs and density would be appropriate in this location, and in relation to the amenity of surrounding residents (ADP Policies S1, DC1 & DC14, and DLP Policies S1, GEN2, H9 & GEN4),**
- 2) **the loss of trees on the site would be acceptable (ADP Policy DC8 & ENV3),**
- 3) **the development would incorporate adequate car parking, and would exacerbate existing congestion in West Road (ADP Policy T2 & DLP Policy GEN9) and**
- 4) **adequate provision is made for affordable housing (DLP Policy H8 & national policy guidelines), developer contribution to local education places, and flood protection measures (ERSP NR12, ADP Policies W2 & W3, & DLP Policy GEN3).**

1) The principle of residential development has already been accepted on this site. In accordance with PPG3, it is necessary for developments to make the best use of land, and density should therefore be higher than the general pattern in West Road. Cornmill Court has a density in the region of 57 per hectare. It is therefore considered that the proposed density of 50 per hectare is reasonable. The development the subject of appeal has a proposed density of 75 per ha and this high density was achieved by a high number of flats, resulting in particularly tall development, with two of the blocks being four-storey. In contrast the proposed development is primarily 2 – 2.5 stories, with an element of 3 storey development towards the rear of the site.

One of the primary concerns over the application currently the subject of appeal was the relationship with existing properties. This is a sensitive site in an elevated position above the

houses to the rear, and it is considered that revisions to the layout means that the highest element of the proposed buildings at a maximum of 11.5m would back onto the junction of Jordan Road with Station Road. Where the development would back onto existing properties the proposed dwellings would be lower. It is considered that there would now be a satisfactory relationship with those properties. The submitted cross-sections indicate that the majority of buildings accord with heights in Cornmill Court. Back to back distances would be comparable with the Council's standards and in addition there would now be scope to provide adequate landscaping to the rear boundary to improve screening and reduce the impact of vehicle manoeuvring in the northeast and north west corners of the site.

Within the development itself, amenity space is comparable with other new developments in the vicinity and elsewhere in Saffron Walden and is satisfactory. The previous reason for refusal on this basis is considered to have been overcome.

The frontage development has been reduced in height and is of a more spacious design. It is now considered comparable to that nearby and to be satisfactory.

2) The layout has been amended to protect the line of sycamore trees along the western boundary which provide screening to existing development to the west. A Tree Preservation Order has been served on the trees, which was confirmed at the meeting of this Committee on 15th March.

3) Forty-six parking spaces are proposed to serve thirty-one units. This would be slightly less than 1.5 spaces per unit. Government guidance seeks to minimise the provision of parking in the interest of promoting other forms of transport to the private car, and similar parking has been accepted for other developments close to the town centre. PPG3 indicates that overall, car parking within a new development should not exceed 1.5 spaces per dwelling. Concern has been expressed that West Road already suffers a high level of on-street parking and that a higher level of parking should be provided. Officers gave weight to this argument in recommending refusal of the previous application but this application proposes fewer dwellings with a higher proportion of 1 and 2 bedroom houses and it is considered that the proposed provision is satisfactory. Provided the development is self-sufficient in parking it would not be reasonable to seek to remedy deficiencies in parking elsewhere, nor would such an approach be sustainable on appeal. There would be satisfactory space for turning large vehicles, e.g. refuse vehicles, within the site.

4) The agent has confirmed that 25% of the total would be affordable units, administered via a Registered Social Landlord. This level of provision is compatible with the Inspector's report following the Local Plan Inquiry. A Flood Risk Assessment is required due to the likely impact on surface water disposal but has not been submitted: this can be covered by condition.

COMMENTS ON REPRESENTATIONS: These are addressed in the report. While objection on the grounds of loss of a view is understood the courts have long held that loss of a view is not a material planning consideration. The requirement for a contribution towards education facilities will need to be secured by a legal agreement.

CONCLUSIONS: This proposal represents a significant improvement over that which was previously recommended for refusal and which is now the subject of an appeal for non-determination. The frontage to West Road now would be compatible with adjoining development and be satisfactory in relation to the street scene. The layout is much more varied and spacious and amenity space would be much more generous. Relationships with adjoining and adjacent developments would be satisfactory. Parking would be provided to a standard required by Government Policy. In the circumstances it is considered that the previous reasons for refusal have been overcome and the approval of reserved matters is

recommended. Affordable housing and education provisions are proposed to be secured through a legal agreement.

RECOMMENDATION: THE APPLICATION IS UNACCEPTABLE AS IT STANDS BUT WOULD BE ACCEPTABLE SUBJECT TO A SECTION 106 AGREEMENT TO REQUIRE THE PROVISION OF 8 AFFORDABLE HOUSING UNITS AND AN EDUCATION CONTRIBUTION OF £131,440 AND SUBJECT TO THE FOLLOWING CONDITIONS:

1. C.2.1. Time limit for commencement of development.
2. C.3.3. To be implemented in accordance with original and revised plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.
5. C.4.6. Retention and protection of trees and shrubs for the duration of development.
6. C.5.2. Details of materials to be submitted and agreed.
7. C.6.4. Excluding extensions without further permission.
8. C.7.1. Slab level.
9. C.8.13. Restriction on hours of construction.
10. C.8.23. Environmental Standards.
11. C.8.27. Drainage Details.
12. The estate junction to West Road shall be formed at right angles and provided with bellmouth junction radii of 7.5m returned to a carriageway width of 5.5m.
13. Clear ground level visibility splays of 2.4m x site boundary shall be provided either side of the bellmouth junction with west Road.
14. C.10.7. Visibility splays.
15. Development shall not commence until details of external lighting has been submitted to and approved in writing by the local planning authority. The lighting shall thereafter be implemented and maintained in accordance with the approved details.
REASON 12-15: In the interests of visual and residential amenity.
16. Development shall not commence until a flood alleviation scheme has been submitted to and approved in writing by the local planning authority. Such a scheme shall subsequently be implemented and maintained in accordance with the approved details.
REASON: In the interests of public safety.
17. Details of the surfacing of the parking spaces marked in red on the attached plan returned herewith shall be submitted to and approved in writing by the local planning authority and subsequently implemented in accordance with those details.
REASON: In the interests of the protection of the adjacent preserved trees.

Background papers: see application file

UTT/0352/04/FUL - GREAT HALLINGBURY

Material change of use of land for disabled vehicle storage.
Land opposite Hallingbury Park. GR/TL 507-188. B Goodwin.
Case Officer: Mr M Ovenden 01799 510476
Expiry Date: 22/04/2004

NOTATION: Outside Development Limit/Settlement Boundary.

DESCRIPTION OF SITE: The site is located in countryside approximately 750 metres southwest of Great Hallingbury Church and 950 metres east of Little Hallingbury (Latchmore Bank). It lies just south of Anvil Cross and to the east is the drive to Great Hallingbury Park/Ladywell. The application site shown on the submitted drawing is a roughly rectangular shape including a small wooded belt running down the north eastern roadside boundary. The application form gives the site area as 1.32 hectares. The application form states that the previous use of the land was for grazing. A closeboarded fence has recently been erected along the south eastern boundary, and the M11 motorway forms the western boundary. There is a gated vehicular access in the northern corner of the site flanked by closeboarded fencing.

Some engineering operations have been carried out to scrape off some topsoil and turf and asphalt chippings have been spread over much of the site in order to provide a hardened parking surface. Car parking is occurring on the site. At the time of the site inspection there were estimated to be over 100 cars were on the site, mostly along its southern edge.

DESCRIPTION OF PROPOSAL: The proposal is to carry out vehicle storage on this site. Very little information has been provided with the application, despite a request for clarification made to the applicant's agent— particularly with regard to what is meant by *disabled vehicles* - but it is anticipated that the application seeks to retain the vehicle storage currently being carried out without the benefit of planning permission.

RELEVANT HISTORY: An injunction was granted on application to the Council on 20 February 2004 to prevent person or persons unknown from proceeding with engineering operations being carried out in connection with the unauthorised parking of vehicles and the use itself. At the time of writing this report the injunction remains in force although an application to set aside is pending.

CONSULTATIONS: ECC Highways: Under the terms of the current deminimus agreement, this application is one where the highway aspects are left for determination by your authority. English Nature: If your authority is minded to grant permission, English Nature requests that a condition be attached to prevent or reduce the risk of any accidental impact upon Hatfield Forest SSSI/NNR and Thorley Flood Pound SSSI during construction. Essex Wildlife Trust: To be reported

PARISH COUNCIL COMMENTS: To be reported (due 27 March).

REPRESENTATIONS: This application has been advertised and 5 representations have been received. Period expired 19 March 2004.

1. The site, now fully operational, was green land, now covered with asphalt, for vehicle parking. Area of Woodland has been partially cleared, surely not in keeping with parkland areas. We strongly object, entrance on a blind corner. Presumably the cars are coming from Stansted Airport.

2. The land has been fenced with six feet high close-boarded security fencing around this very large field. The land has been engineered by the removal of topsoil and the importation of ballast and cinder material for compaction to form a hard surface, services and engineered ducts for the above have already been installed. The proposed use is totally against the District plan. The use of this land is being used for is airport related car parking is against Uttlesford District Council policy in keeping all airport related development within in the designated area of Stansted Airport. The single-track access is inappropriate and dangerous. The entrance to the site has poor sight lines. The site entrance is very close to a busy T-Junction. The operation of a car park which could possibly operate over a 24 hour day 7 days a week would be totally unacceptable by way of noise and disturbance to neighbouring residential properties. The above would also require security and safety lighting which would be wholly unacceptable in this rural setting.

3. This is an outrage. They have cut many trees down facing all the deer to vacate that land.

4. I do object to the further cluttering of land.

5. The vehicles are being delivered to the site under cover of darkness.

PLANNING CONSIDERATIONS: The main issue is whether the storage of vehicles is an appropriate land use in the countryside under the Development Plan (ERSP Policy C5 and UDP Policy S2) or emerging local plan (DDP Policy S7).

The site lies outside any development limit and is therefore considered to be countryside. In accordance with the two elements of the Development Plan the countryside is to be protected for its own sake, from development which is inappropriate or poorly related to a rural area or its character, does not need to occur on that site and is unrelated to agriculture, forestry and appropriate outdoor uses. This proposal is not appropriate to a rural area and fails all the requirements of the policies referred to above. With regard to this aspect of the development plan alone the proposal is unacceptable and should normally be refused. The emerging draft deposit plan has been through the local plan inquiry and the recently published inspectors report supports maintaining the approach taken in the Development Plan.

COMMENTS ON REPRESENTATIONS: The representations object to the development and are covered in the above section.

CONCLUSIONS: For the reasons given above, the storage or parking of vehicles on this site is seen to be contrary to Development Plan policy. No information has been submitted which provides material considerations which warrant a decision contrary to the Development plan or the emerging local plan.

RECOMMENDATION: REFUSAL

1. The storage or parking of cars is unacceptable because it is an inappropriate use for the countryside, is unrelated to agriculture, forestry or appropriate outdoor uses and fails to respect rural character of the area contrary to Development Plan (ERSP Policy C5 and UDP Policy S2) and the emerging local plan (DDP Policy S7).

Background papers: see application file.

UTT/0119/04/OP – GREAT EASTON

Outline application for replacement dwelling and double garage with annexe above. All matters reserved except siting and means of access

The Folly. GR/TL 601-252. Neil Moore.

Case Officer: Mr R Aston 01799 510464

Expiry Date: 30/03/2004

NOTATION: ADP & DLP: Outside Development Limits/Settlement Boundaries/Area of Special Landscape Value.

DESCRIPTION OF SITE: The Folly is located at Cox Hill to the west of the village of Great Easton. The site has a road frontage of c. 48m with direct access off the highway. The nearest residential properties are a row of three terraced cottage style dwellings to the east and three large detached dwellings on land opposite. This area is a small-established group, outside Development Limits and in an Area of Special Landscape Value. The existing house is in a dilapidated state and is in either need of repair and renovation or demolition. There is an existing garage block located off the existing access.

DESCRIPTION OF PROPOSAL: The proposal seeks outline planning permission for the erection of a replacement dwelling, 4-5 bedrooms with a double garage with annex above. It is indicated that the siting and means of access are the relevant matters and the design, landscaping and external appearance form the reserved matters. The accompanying plans show a detached 'T' shape dwelling located centrally within the plot, leaving a gap of c.13.5m with the neighbouring dwelling, on the eastern side and a c.21m gap between the side of the dwelling and its western boundary. It is in this location, abutting the western boundary that a double detached garage with annex above is proposed.

CONSULTATIONS: ECC Highways: Determination left to UDC under the terms of the current de-minimis agreement.

Environment Agency: No objection.

Environmental Health: None received.

PARISH COUNCIL COMMENTS: None received (due 4 March 2004).

REPRESENTATIONS: Two received. Notification period expired 25 February 2004.

General Summary – The property should be restored to its original condition. The original dwelling complemented the nearby buildings and emphasised the property age, style and history in the area. We oppose the proposal to demolish a building, which has significant historic and architectural importance.

PLANNING CONSIDERATIONS:

The main issue is whether the principle of a replacement dwelling in this location is acceptable, in accordance with ADP H8 and DLP H6.

Policy H8 of the Adopted district plan states that:

- (a) Proposals involving replacement dwellings will normally be approved provided that such proposals are in scale with neighbouring properties and the siting of the replacement dwelling is in proximity to the original structure;*

(b) Outside development limits the replacement of existing dwellings by larger buildings which, through their size or appearance, impair the rural characteristics of the countryside will not be permitted.

Policy H6 of the DLP continues this theme but instead states that, 'a replacement dwelling will not be permitted unless, through its location, appearance or associated scheme of landscape enhancement it would protect or enhance the particular character of the countryside in which it is set'. The existing dwelling has a floor area of approximately 92m². The proposal details the siting of a dwelling with a footprint of 124m² with the dormer windows in the north and west facing elevations indicating a dwelling of two storeys. This is comparable with the footprint of the existing dwelling and is considered to be appropriate given the scale of neighbouring properties, which range from small detached cottage style dwellings such as Attwood Cottages to the large modern detached dwelling known as Folly View. Furthermore, the siting would be in close proximity to the original structure and in this respect complies with the provisions of the above policy. With regard to part (b) of the above policy, the size of the dwelling would not impair any important rural visual characteristic of the dwelling, no more so than Folly View, which is a large modern Essex Design Guide style dwelling. Furthermore, the design would be the subject of a future application, in addition to the external appearance and landscaping and this allows the local planning authority to retain a degree of control over the visual appearance of the dwelling and site.

COMMENTS ON REPRESENTATIONS: The dwelling is not listed and it is considered that the ability for the local planning authority to determine the design, external appearance and landscaping overcomes the above objections.

CONCLUSIONS: The siting and means of access for this application, which seeks outline planning permission, accords with the provisions of ADP Policy H8 and DLP Policy H6, no material considerations exist to warrant the refusal of the application. Concerns expressed by neighbours regarding design and appearance has been taken into account, however because they form reserved matters for future determination, they lie within the control of the local planning authority.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matters: 1
2. C.1.2. Submission of reserved matters: 2
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for commencement of development.
5. C.6.3. Excluding Permitted Development extensions and erection of freestanding buildings without further permission.
6. C.7.1. Details of external ground and internal floor levels to be submitted agreed and implemented.
7. C.11.7. Standard parking requirements.

Background papers: see application file.

UTT/0149/04/FUL - SAFFRON WALDEN

Change of use from class B8 to B2 joinery workshop.
Mitchell Hangar Audley End Airfield Wenden Road. GR/TL 526-369. Audley End
Developments Ltd.

Case Officer: Consultant North telephone 01799 510469/510478

Expiry Date: 30/03/2004

NOTATION: Outside Town Development Limits & Settlement Boundaries/Within Area of Special Landscape Value/Adjacent to Conduit Plantation Designated Important Woodland & Harcamlow Way Long-Distance Footpath.

DESCRIPTION OF SITE: The site is located in open countryside about half a mile south-west of the town. It comprises a substantial modern brick and metal-sheet building adjacent to the airstrip. It was originally a hangar, then used to restore and repair aircraft and most recently for warehousing. It has a floor area of about 854 sqm and is accessed via a hardened track off Wenden Road to the north. There are parking and turning areas on both sides of the building. There are no dwellings in the vicinity, the nearest being 680m away in Saffron Walden to the north-east.

DESCRIPTION OF PROPOSAL: It is proposed to change the use of the building from B8 storage to B2 joinery workshop.

RELEVANT HISTORY: Permission granted for hangar in 1990 subject to condition restricting use only for aircraft restoration and storage. Extension approved in 1994. B1c business use approved in 2001 by amending restrictive condition. Warehousing granted in 2002.

APPLICANT'S CASE: See letter dated 28 January attached at end of report.

TOWN COUNCIL COMMENTS: Object – light industrial use in the countryside. Previous permission only granted because of the special historic nature of the type of industry being used and this should not create a precedent.

REPRESENTATIONS: None. Notification period expired

PLANNING CONSIDERATIONS: The main issues are whether the proposal would

- 1) be appropriate in this rural area having regard to the need to encourage local rural employment (ESP Policies C5, RE2, ADP Policies S2, C5, C2, DLP Policies S7, E4, GEN8),
- 2) conflict with Policy relating to the expansion of activities at airstrips (ESP BW19, ADP T6),
- 3) conserve the amenities of the countryside, Woodland and Footpath (ESP Policy C5, ADP Policy S2, C2, DLP Policies S7),
- 4) harm the amenities of local residents and
- 5) utilise an access which is satisfactory, with sufficient on-site parking and turning facilities (ESP Policies T3, T12, ADP Policies T1, T2, DLP Policies GEN1 and GEN9).

1) It is part of the Government's and the Council's planning policies to encourage rural enterprise and local employment in appropriate locations, in order to reduce commuting and enhance sustainability. This building has an established industrial/employment use. Three

people would be employed and only 10 vehicles are expected during an 11-hour working day. Although B2 industrial uses are not normally acceptable in the countryside, the re-use of this sound rural building as a joinery workshop would be in line with these policies in principle. A condition preventing extensions without prior permission is proposed.

2) Policy T6 opposes any expansion of activities and facilities at this airfield, on the basis that more intensive use would conflict with the aim of protecting the character of the countryside around Saffron Walden. However, as this proposal involves the replacement of an authorised commercial business with another, it is not considered that any material increase in activity should arise which would harm the character of the area. The previous employment levels in this building were far higher than is now proposed. The proposal would not conflict with ESP Policy BIW9, which refers to air-related development.

3) The effects on the rural character of the area and adjacent Woodland would be minimal. However, the building is prominently located in an elevated location in the landscape and would benefit from additional tree and hedge planting to the east and north. This would also help to screen parked vehicles. Conditions preventing outdoor storage, access to the DI Woodland or impeding the LD Footpath would be appropriate.

4) The nearest dwellings are 680m away in Saffron Walden, where distance should effectively reduce any potential noise nuisance. It is proposed to reduce the hours of work applied for and prevent outdoor working. The additional planting should also reduce the visual impact in time.

5) The existing access has good sight lines and there are ample on-site turning, servicing and parking facilities.

COMMENTS ON REPRESENTATIONS: The Town Council's comments have been assessed, but the permission they refer to was granted 14 years ago and there have been more recent consents which have altered the planning position fundamentally.

CONCLUSION: It is considered that, on balance, the proposed change of use from storage to a joinery workshop is acceptable.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping of landscaping.
5. There shall be no access whether vehicular or pedestrian at any time into the adjacent Conduit Plantation.
REASON: In order to protect this Designated Important Woodland.
6. There shall be no impedance of the right of way through the site along the line of the Harcamlow Way Long Distance Footpath.
REASON: In order to safeguard public access.
7. C.6.1. Excluding future changes of use without further permission.
8. C.6.8. Excluding Permitted Development extensions or alterations to industrial premises.
9. C.8.3. No outdoor working.
10. C.8.15. Restriction of hours of operation 0800-1800 Mon-Fri only.
11. C.9.1. No outdoor storage.
12. The area hatched green on the 1:500 scale block plan date stamped 2 February 2004, accompanying the application, shall be retained solely for the parking of vehicles in connection with the use of the building hatched black on the 1:500 scale

block plan date stamped 2 February 2004, which accompanies the application. No vehicles shall be parked on the site except in that area.

REASON: To ensure that adequate car parking remains available to serve the premises in accordance with the Council's standards, whilst also avoiding the proliferation of vehicles around the site in the interest of protecting the visual amenities of the rural area of Special Landscape Value.

Background papers: see application file.

UTT/0173/04/FUL - HATFIELD HEATH

Variation of conditions C.13.7 and C.90B relating to permission UTT/0488/00/FUL. To increase the opening hours from 0900 to 2100 weekdays and 0900 to 1300 on Saturdays when the restaurant is closed and to increase the membership from 100 to 150.

Hunters Meet Restaurant, Hotel & Leisure Centre Chelmsford Road. GR/TL 526-149.

Mr B Carrig.

Case Officer: Mr N Ford 01799 510468

Expiry Date: 08/04/2004

NOTATION: Development Limits S1.

DESCRIPTION OF SITE: This site is located on the northern side of Chelmsford Road and this application is concerned with the leisure centre (containing a swimming pool) associated with Hunters Meet motel granted planning permission on 19 September 2000 subject to conditions.

DESCRIPTION OF PROPOSAL: The applicant specifically wishes to vary the following two conditions:

C.13.7 - The use of the building for the purposes of a private health club shall not operate before 09:00 hours nor after 17:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays, Bank or Public Holidays. There shall be no member of the private health club within the building hereby approved beyond 17:30 hours Mondays to Fridays only.

Reason: The use of the building outside these hours would be likely to cause nuisance and disturbance to adjacent residents and exceed existing car parking capacity.

C.90B - Membership of the private health club, to be carried out in the building hereby permitted at the times specified in condition C.13.7 shall be restricted to 100 individual persons, of which no more than ten persons shall use the facilities at any one time, without the prior written consent of the local planning authority.

Reason: To avoid exceeding the capacity of the existing car park in the interests of residential amenity and highway safety.

The applicant proposes to alter the opening hours of the health club to 09:00 - 21:00 Monday to Friday and 09:00 - 13:00 Saturday under condition C.13.7. It is also intended to increase the membership of the health club from 100 to 150 individual persons under condition C.90B.

APPLICANT'S CASE: My client, Mr Carrig wishes to apply for a variation to an existing permission (Ref UTT/0488/00/FUL) dated 19 Sept 2000. The conditions referred to are C.13.7 and C.90B.

The application is being made to increase the opening hours from 0900 till 1700 to 0900 till 2100 hours Monday to Friday and 0900 till 1300 on Saturday mornings, when the restaurant is closed, re condition (C13.7) and the membership from 100 to 150, re condition (C.90B) The adjacent site Great Heath Farm (edged in blue on accompanying location plan) is being acquired by Mr Carrig and he hopes to complete the purchase by mid February. This will enable additional car parking to be provided adjacent to the Private Health Club.

RELEVANT HISTORY: Change of use from domestic to Class C1 (motel use) and erection of swimming pool building Class D2 (fitness centre use) approved 19 September 2000 (UTT/0488/00/FUL).

CONSULTATIONS: ECC Highways: No objections.
UDC Environmental Services: To be reported.

PARISH COUNCIL COMMENTS: No objections subject to restaurant being closed during extended hours. Further parking to be provided at Green Heath Farm for which planning permission is necessary. Concern relating to parking on the pavement.

REPRESENTATIONS: Five. Notification period expired 3 March 2004.

Concern relating to adequate parking provision, noise, visual appearance, effect on residential amenity resulting from increased membership, increase hours in relation to parking provision leading to on street parking problems.

PLANNING CONSIDERATIONS: **The main issue is whether the hours of use and activity proposed would have any adverse effects on the capacity of the car park and on the residential amenity of adjacent dwellings.**

The applicant has provided no supporting case justifying the need for the variation of the conditions and why there would be no impact on traffic congestion or residential amenity other than that Great Heath Farm (which is controlled by the applicant and would enable additional parking to be provided for the health club. Planning permission is required for this but is not subject to this application).

The car park is located at the front of the motel and is capable of accommodating 35 vehicles with space for turning and manoeuvring, albeit restricted. At the time of the previous application it was considered that 12 additional parking spaces would be required for the health club. However, no additional parking was proposed and this was accepted by the Committee as the activity relating to the pool would occur generally during the day when there was spare capacity in the car park when the restaurant would be only lightly used.

The number of users of the swimming pool by members of the private health club is restricted to ten. The condition limiting the number of users of the pool to ten remains, as does the condition limiting the number of covers/place settings to 16 when the private health club is in operation.

Given that only ten members are allowed to use the facilities at any one time under Condition C.90.A, the increase in the pool of potential visitors is not considered significant. The alteration of the membership of the health club from 100 to 150 members is therefore considered acceptable because there will be no implications for the number of people using the facilities.

Ordinarily, concern would exist relating to the uptake of ten more spaces when the restaurant is in full use between 5 and 9pm because that would be likely to lead to on street parking problems when the restaurant is at its busiest and therefore be unacceptable. However, the applicant has not applied to vary Condition C.90D which restricts the number of covers/place settings when the health club is in operation and this condition would still apply. Therefore, with ten members using the health club during this period, there should be no overall change in circumstances to the current situation.

COMMENTS ON REPRESENTATIONS: Comments relating to car parking, traffic and residential amenity are valid concerns. It is considered, however, that the increased

membership and hours of operation may not lead to an overly different operation than that under the terms of the current consent.

CONCLUSIONS: In order to consider these factors in relation to traffic and residential amenity and to ensure that sufficient transient parking exists to serve the health club and restaurant during the evening in relation to concerns raised from representations it is considered that a temporary consent of one year for the centre's hours of operation be granted in order to assess these factors. An increase in membership is considered acceptable for the reasons set out in the report.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.13.7.Hours of use.
2. Membership of the private health club, to be carried out in the building hereby permitted at the times specified in condition C.13.7 shall be restricted to 150 individual persons, of which no more than ten persons shall use the facilities at any one time, without the prior written consent of the local planning authority.
REASON: To avoid exceeding the capacity of the existing car park and in the interests of residential amenity and highway safety.
3. Notwithstanding conditions C.13.7 and C.90B hereby varied, this planning permission shall be implemented strictly in accordance with planning permission UTT/0488/00/FUL granted 19 September 2000.
REASON: In order to ensure this planning permission is carried out strictly as approved and to ensure a satisfactory standard of development.
4. The varied hours hereby approved under conditions C.13.7 and C.90B shall cease after a period of one year from the date of this permission.
REASON: In order that the local planning authority can satisfactorily assess any likely affect of traffic generation, car parking and disturbance to residential amenity.

Background papers: see application file.
